

From: Perlis, Robert
Location: Alm Conference Room
Importance: Normal
Subject: Accepted: Meeting Re: Chlorpyrifos
Start Date/Time: Fri 3/17/2017 6:00:00 PM
End Date/Time: Fri 3/17/2017 7:00:00 PM

From: Davis, Patrick
Location: Alm Conference Room
Importance: Normal
Subject: Accepted: Meeting Re: Chlorpyrifos
Start Date/Time: Fri 3/17/2017 6:00:00 PM
End Date/Time: Fri 3/17/2017 7:00:00 PM

From: Cleland-Hamnett, Wendy
Location: Alm Conference Room
Importance: Normal
Subject: Accepted: Meeting Re: Chlorpyrifos
Start Date/Time: Fri 3/17/2017 6:00:00 PM
End Date/Time: Fri 3/17/2017 7:00:00 PM

From: Burden, Susan
Location: Alm Conference Room
Importance: Normal
Subject: Accepted: Meeting Re: Chlorpyrifos
Start Date/Time: Fri 3/17/2017 6:00:00 PM
End Date/Time: Fri 3/17/2017 7:00:00 PM

From: Keigwin, Richard
Location: Alm Conference Room
Importance: Normal
Subject: Accepted: Meeting Re: Chlorpyrifos
Start Date/Time: Fri 3/17/2017 6:00:00 PM
End Date/Time: Fri 3/17/2017 7:00:00 PM

From: Anderson, Denise
Location: Alm Conference Room
Importance: Normal
Subject: Accepted: Meeting Re: Chlorpyrifos
Start Date/Time: Fri 3/17/2017 6:00:00 PM
End Date/Time: Fri 3/17/2017 7:00:00 PM

From: Schwab, Justin
Location: Alm Conference Room
Importance: Normal
Subject: Accepted: Meeting Re: Chlorpyrifos
Start Date/Time: Fri 3/17/2017 6:00:00 PM
End Date/Time: Fri 3/17/2017 7:00:00 PM

From: Microsoft Outlook
Location: Alm Conference Room
Importance: Normal
Subject: Meeting Forward Notification: Meeting Re: Chlorpyrifos
Start Date/Time: Fri 3/17/2017 6:00:00 PM
End Date/Time: Fri 3/17/2017 7:00:00 PM

Your meeting was forwarded

Anderson, Denise has forwarded your meeting request to additional recipients.

Meeting

Meeting Re: Chlorpyrifos

Meeting Time

Friday, March 17, 2017 2:00 PM-3:00 PM.

Recipients

Cleland-Hamnett, Wendy

Wise, Louise

Mojica, Andrea

Keigwin, Richard

Guilaran, Yu-Ting

Vogel, Dana

Lowit, Anna

Friedman, Dana

Echeverria, Marietta

McClean, Kevin

Perlis, Robert

Dyner, Mark

Minoli, Kevin

Davis, Patrick

Schwab, Justin

Burden, Susan

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

To: AO-OCIR Everyone[AOOCIR_Everyone@epa.gov];
RCL's[CNRCLsOIntergov._Contacts@epa.gov]; Jakob, Avivah[Jakob.Avivah@epa.gov]; Campbell,
Ann[Campbell.Ann@epa.gov]; Carleton, Ron[Carleton.Ron@epa.gov]; Daguillard,
Robert[Daguillard.Robert@epa.gov]; Dinkins, Darlene[Dinkins.Darlene@epa.gov]; Gude,
Karen[Gude.Karen@epa.gov]; Loop, Travis[Loop.Travis@epa.gov]; Milbourn,
Cathy[Milbourn.Cathy@epa.gov]; Mojica, Andrea[Mojica.andrea@epa.gov]; Orvin,
Chris[Orvin.Chris@epa.gov]; Parsons, Doug[Parsons.Douglas@epa.gov]; Peck,
Gregory[Peck.Gregory@epa.gov]; Pierce, Alison[Pierce.Alison@epa.gov]; Scheifele,
Hans[Scheifele.Hans@epa.gov]; Schmit, Ryan[schmit.ryan@epa.gov]; Sisco,
Debby[Sisco.Debby@epa.gov]; Strauss, Linda[Strauss.Linda@epa.gov]; Walsh, Ed[Walsh.Ed@epa.gov]
From: Kaiser, Sven-Erik
Sent: Thur 3/30/2017 8:44:40 PM
Subject: OCIR Water, Pesticides and Toxics Team Weekly Report
[4.3.2017.docx](#)

Please take a look at our weekly report and let us know if any questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

**Office of Congressional and Intergovernmental Relations
Water, Pesticides and Toxics Team
Week of April 3, 2017**

HOT ISSUES:

- WIIN/WRDA (Matt)
- 1- 4, dioxane in drinking water and under TSCA (Matt/Sven)
- TSCA reform implementation (Sven)
- Lead in drinking water (Matt)
- WIFIA implementation (Matt)
- Waters of the U.S., Executive Order, litigation, & replacement rulemaking (Denis)
- Bristol Bay/Pebble Mine (Denis)
- National Estuary Program (Denis)
- Integrated planning (Kevin)

MEETINGS/BRIEFINGS/ANNOUNCEMENTS:

- Mar 30** – Congressional Estuary Caucus staff briefing on estuary management and research w/OW, NOAA/OHC & OCM, and DOI/FWS (Denis)
- Mar 30** – Notification of chlorpyrifos petition denial w/OCSP (Sven)
- Mar 30** – Notification of TSCA Reform mercury report w/OCSP (Sven)
- Mar 31** – HEC TA request on asset management for drinking water systems w/OW, OECA (Kevin)
- Mar 30** – Sen. Collins (ME) and King (ME) staff briefing on ME Water Quality Standards (Denis)
- Week of Apr 3** – Hill notifications on FY17 DWSRF American Iron & Steel memo w/OW (Matt)
- April 19** – Cong. Peters (CA) and Cong. Vargas (CA) invited to meeting in San Francisco Regional Office to Discuss Tijuana River and New River w/R9 (Kevin)
- TBD** – House T&I bipartisan staff briefing on WIFIA implementation w/OW (Matt)
- TBD** – House and Senate staff briefing on TSCA reform progress w/OCSP (Sven)
- TBD** – SEPW minority staff briefing on TSCA section 5 new chemicals program w/OCSP, OGC (Sven)

HEARINGS/MARKUPS:

Topic: Legislative Hearing on: S. 518, a bill to amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works; S. 692, the "Water Infrastructure Flexibility Act of 2017;" and S. 675, the "Long Island Sound Restoration and Stewardship Act"

Committee: Senate Committee Environment & Public Works

Date: March 28, 2017

Witness: No EPA Witness (Statement requested)

Contacts: Kevin Kuhn, Denis Borum

115th CONGRESS LEGISLATION:

- HR 465** – Gibbs (OH), codifies integrated wastewater and stormwater planning (Kevin)
- HR 953** – Gibbs (OH), stops NPDES pesticide general permit, **Passed House Ag Feb 16** (Kevin)
- HR 1029** – Davis (IL), reauthorizes pesticide registration fees, **Passed the House March 20** (Sven)

HR 1068 – Pallone (NJ)/Tonko (NY), comprehensive update to SDWA, also incorporates the text of H.R. 1071 below (Matt)

HR 1071– Tonko (NY)/Pallone (NJ), increases DWSRF and aids lead service line replacement (Matt)

HR 1154 – Hunter (CA), addresses ballast water discharges (Kevin)

HR 1261 – Thornberry (TX), revises navigable waters definition and limits CWA jurisdiction (Denis)

HR 1579 – Peters (CA)/Pallone (NJ), requires source water vulnerability assessments from pollution, climate, and terrorism; creates EPA grant program

HR 1647 – Blumenauer (OR), establishes water trust fund to support SRFs, **Introduced March 21 (Matt)**

HR 1653 – Latta (OH), increases DWSRF flexibility for disadvantaged communities and streamlines cross-cutters, **Introduced March 21 (Matt)**

HR 1674 – DeLauro (CT), amends/reauthorizes certain provisions relating to Long Island Sound restoration and stewardship. **Introduced March 22 (Denis)**

S 168 – Wicker (MS), addresses ballast water discharges, **Passed Senate Commerce Jan 24 (Kevin)**

S 181 – Brown (OH), broadens Buy America use in infrastructure projects (Matt)

S 340 – Crapo (ID), stops NPDES pesticide general permit (Kevin)

S 518 – Wicker (MS), technical assistance for small treatment works (Kevin)

S 519 – Gillibrand/Schumer (NY), requires SDWA MCLG and MCL for PFOA, PFOS, 1,4-dioxane, and perchlorate within two years (Matt)

S 675 – Gillibrand (NY), amends/reauthorizes certain provisions relating to Long Island Sound restoration and stewardship, **Introduced March 21 (Denis)**

S 692 – Fischer (NE)/Cardin (MD), provides for integrated plan permits, **Introduced March 21 (Kevin)**

To: Davis, Patrick[davis.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
Cc: Osinski, Michael[Osinski.Michael@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Ferris, Lena[Ferris.Lena@epa.gov]
From: Nitsch, Chad
Sent: Thur 3/30/2017 3:49:28 PM
Subject: FW: NASDA Meeting/Call Request
[HTF Member States' Transition Letter-Secretary Northey.pdf](#)

Following up further from yesterday's meeting with NASDA, Britt sent the Hypoxia Task Force letter that Patrick requested. I'll continue to work with the group on the other items mentioned below.

Thank you,

Chad Nitsch

State and Regional Partnerships | Office of the Administrator

Environmental Protection Agency

202-564-4714

From: Britt Aasmundstad [mailto:britt@nasda.org]
Sent: Thursday, March 30, 2017 11:36 AM
To: Nitsch, Chad <Nitsch.Chad@epa.gov>
Cc: Nathan Bowen <Nathan@nasda.org>; Dudley Hoskins <Dudley@nasda.org>
Subject: RE: NASDA Meeting/Call Request [WARNING: SPF validation failed]

Thanks so much, Chad!

I know Dudley forwarded you a note on chlorpyrifos, but wanted to close out the meeting overall. We really appreciated your time yesterday and helping connect everyone. We look forward to working with you as the agriculture liaison. A few notes of follow-up:

- I've included the letter (attached) Secretary Northey and the other agriculture departments from the Hypoxia Task Force sent to the EPA transition team.

- I know Patrick specifically mentioned seeing this letter, if you could potentially forward it
- We look forward to hearing an update on our April meeting request
- Please let us know how we can be helpful with the Farm, Ranch and Rural Communities FACA, regional administrators and ag counselor.
- Finally, we would be interested in learning more about the agency's regulatory reform task force and how we can be helpful in that effort.

Many thanks, we look forward to working with you all!

Britt

Britt Aasmundstad | Manager, Public Policy | **National Association of State Departments of Agriculture** | 4350 North Fairfax Drive Suite 910 Arlington, VA 22203 | (202) 296-9680 | www.nasda.org | [@NASDANews](https://twitter.com/NASDANews)

From: [Nitsch, Chad](#)
Sent: Wednesday, March 29, 2017 5:35 PM
To: [Dudley Hoskins](#); [Nathan Bowen](#); [Britt Aasmundstad](#)
Subject: RE: NASDA Meeting/Call Request

Dudley, Nathan, and Britt,

Thanks again for coming into EPA. Nice to meet you all in person (and nice to see you again Nathan). Here are the names and titles of the EPA folks in the meeting.

Chad Nitsch - Ag Partnerships Liaison

Mike Osinski - Director of State and Regional Partnerships

Jack Bowles – Director of State and Local Government

Lena Ferris – Special Assistant to the Ag Counselor

Layne Bangerter – Deputy Associate Administrator for Office of Intergovernmental Relations

Patrick Davis – Special Assistant to the Administrator (Office of Land and Emergency Management, Office of Chemical Safety and Pollution Prevention, and Homeland Security)

Ken Wagner – Senior Advisor to the Administrator for State and Regional Affairs and Director of Regional Operations

Talk to you soon,

Chad Nitsch

State and Regional Partnerships | Office of the Administrator

Environmental Protection Agency

202-564-4714

From: Dudley Hoskins [<mailto:Dudley@nasda.org>]

Sent: Wednesday, March 22, 2017 1:49 PM

To: Nitsch, Chad <Nitsch.Chad@epa.gov>

Cc: Nathan Bowen <Nathan@nasda.org>; Britt Aasmundstad <britt@nasda.org>; Dexter, Michael <Dexter-Luffberry.Michael@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>

Subject: Re: NASDA Meeting/Call Request [WARNING: SPF validation failed]

Hi Chad -- thanks so much for the note and follow-up. We knew calendars were going to be a challenge, and there is no way we can be available on Thur.

However, we will make whatever time works best for you all on Wed or Fri of next week.

Please let me know if you want to touch base further at any point on logistics. Many thanks - dudley

Sent from my iPhone

On Mar 22, 2017, at 11:21 AM, Nitsch, Chad <Nitsch.Chad@epa.gov> wrote:

Dudley,

It was nice to talk to you yesterday. Following up, here are some options for the meet-and-greet next week:

Wednesday, 11am

Thursday, 1pm (preferred)

Thursday, 4pm

Friday, 11am

Please let me know which time works best for your team as soon as possible, so I can reserve the time on our calendars.

Thank you,

Chad Nitsch

State and Regional Partnerships | Office of the Administrator

Environmental Protection Agency

202-564-4714

From: Dudley Hoskins [<mailto:Dudley@nasda.org>]

Sent: Monday, March 20, 2017 9:54 PM

To: Barbery, Andrea <Barbery.Andrea@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>

Cc: Nathan Bowen <Nathan@nasda.org>; Britt Aasmundstad <britt@nasda.org>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Dexter, Michael <Dexter-Luffberry.Michael@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>

Subject: RE: NASDA Meeting/Call Request [WARNING: SPF validation failed]

Hi Andrea,

Thanks so much for your follow-up and for putting forward a couple of options.

We are still working through our respective calendars on this end. Hope to have a reply/confirmation back to you soon. In the interim, please let me know if you want to touch base at any point. More soon & many thanks. - dudley

Dudley W. Hoskins ● Public Policy Counsel ● **National Association of State Departments of Agriculture**

4350 North Fairfax Drive Suite 910 Arlington, VA 22203 ● (P) 202.296.9680 ● (C) 832.771.7442 ●
www.nasda.org

From: Barbery, Andrea [<mailto:Barbery.Andrea@epa.gov>]

Sent: Monday, March 20, 2017 2:13 PM

To: Dudley Hoskins; Bowles, Jack

Cc: Nathan Bowen; Britt Aasmundstad; Nitsch, Chad; Dexter, Michael; Osinski, Michael

Subject: RE: NASDA Meeting/Call Request [WARNING: SPF validation failed]

Hi Dudley –

Here are some options this week:

- Wed/22nd after 1:00 p.m.
- Any time Friday

If next week works better for you, I can offer more dates/times.

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

From: Dudley Hoskins [mailto:Dudley@nasda.org]

Sent: Saturday, March 18, 2017 5:21 PM

To: Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>

Cc: Nathan Bowen <Nathan@nasda.org>; Britt Aasmundstad <britt@nasda.org>

Subject: NASDA Meeting/Call Request [WARNING: SPF validation failed]

Hi Jack & Andrea,

I know there is always a lot going on (can't imagine everything on your plate right now).
Wanted to see if you had a few minutes for a quick call this week or next?

I could always come by your office as well if that is easier.

Many thanks and hope all is well on your end. - dudley

Dudley W. Hoskins ● Public Policy Counsel ● **National Association of State Departments of Agriculture**

4350 North Fairfax Drive Suite 910 Arlington, VA 22203 ● (P) 202.296.9680 ● (C) 832.771.7442 ●
www.nasda.org



January 5, 2016

HTF Member State Representatives

Secretary Bill Northey, Chair
Iowa Department of Agriculture and
Land Stewardship

J. Ryan Benefield, Deputy Director
Arkansas Natural Resources
Commission

Raymond Poe, Acting Director
Illinois Department of Agriculture

Ted McKinney, Director
Indiana Department of Agriculture

Peter Goodmann, Director
Kentucky Division of Water

Johnny Bradberry
Louisiana Governors Executive
Assistant for Coastal Activities

Rebecca Flood, Assistant
Commissioner
Minnesota Pollution Control Agency

Gary Rickard, Executive Director
Mississippi Department of
Environmental Quality

Kurt Boeckman, Agriculture Liaison
Missouri Department of Natural
Resources

John Schlichter, Deputy Director
Ohio Department of Agriculture

Larry Maxwell, Assistant Commissioner
Tennessee Department of Agriculture

Russell Rasmussen, Administrator
Division of Water
Wisconsin Department of Natural
Resources

Myron Ebell
Director, Center for Energy and Environment
President-Elect Trump Transition Team, U.S. Environmental Protection Agency
1310 L Street, NW, 7th Floor
Washington, DC 20005

Via e-mail to mebell@cei.org, info@cei.org

Subject: Mississippi River/Gulf of Mexico Watershed Nutrient Task
Force: Issues for Transition Teams

Dear Director Ebell,

We are writing to you as the member states of the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force (herein referred to as the HTF) to bring your attention to the collaborative and innovative efforts underway by the states and federal agencies to address the dead zone in the Gulf of Mexico. The HTF is a partnership of twelve states and five federal agencies that works collaboratively to reduce nutrient loading to the Mississippi River Basin and the extent of the hypoxic zone in the northern Gulf of Mexico. The partnership is led by the states, providing a cooperative federalism where states lead and are making significant progress towards the objectives set forth. Through the HTF, EPA has recognized states are best positioned to effectively lead this large scale effort. The members of the HTF continue to work collaboratively to implement the *Gulf Hypoxia Action Plan 2008*.

The HTF strives to reduce nutrient loading to the Gulf by 45% (compared to the 1980-1996 baseline), with the expected response to limit the average extent of the Gulf of Mexico hypoxic zone to less than 5,000 square kilometers by 2035. Reaching this goal will require a significant commitment of state and federal resources to accelerate implementation of actions that reduce nutrient loading from major sources of nitrogen and phosphorus in the Mississippi River Basin.

The HTF states serve as the lead on the implementation of HTF initiatives and projects, with the federal agencies serving as supportive collaborators. Each HTF state has developed a nutrient reduction strategy through stakeholder participation that serves as a road map for implementing nutrient reductions in its state. These strategies serve as the cornerstone for reaching the HTF goals. The federal members of the HTF issued a unified federal strategy in September 2013, to guide assistance to states and continued science support. To further its goals, the HTF has also expanded partnerships with organizations with similar goals. In May 2014, the HTF entered into an agreement with 12 land grant universities, from the representative states, to reduce gaps in research and outreach/extension needs in the Mississippi River Basin.

Current approaches to achieve the goal of reducing nutrient loading across the Mississippi basin include: 1) implementing individual HTF State Nutrient Reduction Strategies led by the states with support of federal and other partners; 2) integrating, strengthening and quantifying the nutrient load reductions at the basin level from all sources; 3) implementing effective actions to reduce nutrient loadings using improved tracking, watershed monitoring, and modeling tools supported by the HTF and partners; 4) identifying funding needs and sources associated with specific nutrient reduction actions, as well as pursuing additional funding; 5) supporting research as a means for creating and improving effective actions; and 6) reporting to Congress on the progress made by the HTF toward nutrient load reductions.

The HTF states believe this effort is a model of good government, focusing on collaboration between states, and between federal and state agencies, stakeholders (landowners, commodity groups, land-grant universities) and the private sector. These partnerships are fundamental to improving water quality and reducing the hypoxia zone in the Gulf (https://www.epa.gov/sites/production/files/2016-12/documents/federal_strategy_updates_12.2.16.pdf).

These collaborative, state-led implementation efforts will require significant additional support and resources from local, state, federal, and private sources to scale up implementation that achieves measurable and lasting nutrient reductions. These resources support projects that are prioritized and targeted to reduce significant nutrient loading while also informing the process to scale up implementation.

Working, together, the efforts of the HTF create an opportunity for investments in infrastructure and jobs while advancing the connection between environment and public health, and improved resilience and sustainability of the water resources, businesses, agriculture, and communities in the Mississippi River basin.

The HTF states want to thank the new administration for its consideration of these efforts and are asking the new administration to continue the collaborative efforts between states and federal agencies to reduce excess nutrients in the Mississippi River and Gulf of Mexico. The HTF has made significant progress and will continue to build on these efforts to meet the established goals. We look forward to working with the new administration and our federal partners to leverage state resource commitments to improve federal investment in this collaborative effort.

Sincerely,



Bill Northey,
Iowa Secretary of Agriculture
States Co-chair - Mississippi River/Gulf of Mexico Watershed
Nutrient Task Force

To: Nitsch, Chad[Nitsch.Chad@epa.gov]
Cc: Wagner, Kenneth[wagner.kenneth@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
From: Davis, Patrick
Sent: Thur 3/30/2017 11:52:54 AM
Subject: Re: NASDA Commends EPA Decision on Chlorpyrifos Petition [WARNING: SPF validation failed]

Thank you

Sent from my iPhone

On Mar 30, 2017, at 7:41 AM, Nitsch, Chad <Nitsch.Chad@epa.gov> wrote:

Patrick, Ken, and Layne,

Please see attached statement on chlorpyrifos from NASDA.

Thank you,

Chad Nitsch

State and Regional Partnerships | Office of the Administrator

Environmental Protection Agency

202-564-4714

From: Dudley Hoskins [<mailto:Dudley@nasda.org>]
Sent: Wednesday, March 29, 2017 9:06 PM
To: Nitsch, Chad <Nitsch.Chad@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>; Dexter, Michael <Dexter-Luffberry.Michael@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>
Cc: Nathan Bowen <Nathan@nasda.org>; Britt Aasmundstad <britt@nasda.org>
Subject: Fwd: NASDA Commends EPA Decision on Chlorpyrifos Petition [WARNING: SPF validation failed]

Chad -- wanted to thank you again for today's meeting (more soon from our end on that front).

In the interim, we wanted to share the below NASDA press release supporting EPA's science-based decision to deny petitioner's request to revoke chlorpyrifos tolerances (please share with Layne, Patrick, Ken and others from today's meeting who I may have inadvertently left off or not have email contact in front of me).

Please let us know if you all have any questions or would like to discuss further at any points. Many thanks for all that you do! - dudley

Sent from my iPhone

Begin forwarded message:

From: Amanda Culp <Amanda@nasda.org>

Date: March 29, 2017 at 8:06:20 PM EDT

Subject: NASDA Commends EPA Decision on Chlorpyrifos Petition

FOR IMMEDIATE RELEASE: March 29, 2017

Contact:

Amanda Culp

Director, Communications

(202) 296-9680

amanda@nasda.org

NASDA Commends EPA Decision on Chlorpyrifos Petition

The National Association of State Departments of Agriculture (NASDA) today applauded the U.S. Environmental Protection Agency's (EPA) decision to decline a petition to revoke tolerances for chlorpyrifos, which is integral for crop protection,

including resistance management and integrated pest management (IPM) in more than 100 countries.

NASDA President and Louisiana Commissioner of Agriculture & Forestry Dr. Mike Strain praised the EPA for sticking to its rigorous, scientific risk assessment and registration review process for crop protection tools.

“We commend the EPA for its decision today that keeps an important insecticide available for farmers. By maintaining the Maximum Residue Limits (MRLs) for chlorpyrifos, agricultural use of this important tool will continue, significant disruption of international trade is avoided, and harmonization efforts may continue globally. As state regulatory partners with EPA, we look forward to continuing to work with the Agency to ensure current and future tools are reviewed in a rigorous, scientifically sound, and transparent manner.”

NASDA submitted [comments](#) to EPA in January 2016 requesting the Agency reevaluate its proposed tolerance revocations in compliance with the law and regulations that mandate a science-based review.

NASDA is a nonpartisan, nonprofit association which represents the elected and appointed commissioners, secretaries, and directors of the departments of agriculture in all fifty states and four U.S. territories. NASDA grows and enhances agriculture by forging partnerships and creating consensus to achieve sound policy outcomes between state departments of agriculture, the federal government, and stakeholders. Learn more about NASDA at www.nasda.org.

###

<Chlorpyrifos_EPA_03292017.pdf>

To: Davis, Patrick[davis.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
From: Nitsch, Chad
Sent: Thur 3/30/2017 11:41:48 AM
Subject: FW: NASDA Commends EPA Decision on Chlorpyrifos Petition [WARNING: SPF validation failed]
[Chlorpyrifos EPA 03292017.pdf](#)

Patrick, Ken, and Layne,

Please see attached statement on chlorpyrifos from NASDA.

Thank you,

Chad Nitsch

State and Regional Partnerships | Office of the Administrator

Environmental Protection Agency

202-564-4714

From: Dudley Hoskins [mailto:Dudley@nasda.org]
Sent: Wednesday, March 29, 2017 9:06 PM
To: Nitsch, Chad <Nitsch.Chad@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>; Dexter, Michael <Dexter-Luffberry.Michael@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barber, Andrea <Barber.Andrea@epa.gov>
Cc: Nathan Bowen <Nathan@nasda.org>; Britt Aasmundstad <britt@nasda.org>
Subject: Fwd: NASDA Commends EPA Decision on Chlorpyrifos Petition [WARNING: SPF validation failed]

Chad -- wanted to thank you again for today's meeting (more soon from our end on that front).

In the interim, we wanted to share the below NASDA press release supporting EPA's science-based decision to deny petitioner's request to revoke chlorpyrifos tolerances (please share with

Layne, Patrick, Ken and others from today's meeting who I may have inadvertently left off or not have email contact in front of me).

Please let us know if you all have any questions or would like to discuss further at any points.
Many thanks for all that you do! - dudley

Sent from my iPhone

Begin forwarded message:

From: Amanda Culp <Amanda@nasda.org>
Date: March 29, 2017 at 8:06:20 PM EDT
Subject: NASDA Commends EPA Decision on Chlorpyrifos Petition

FOR IMMEDIATE RELEASE: March 29, 2017

Contact:

Amanda Culp

Director, Communications

(202) 296-9680

amanda@nasda.org

NASDA Commends EPA Decision on Chlorpyrifos Petition

The National Association of State Departments of Agriculture (NASDA) today applauded the U.S. Environmental Protection Agency's (EPA) decision to decline a petition to revoke tolerances for chlorpyrifos, which is integral for crop protection, including resistance management and integrated pest management (IPM) in more than 100 countries.

NASDA President and Louisiana Commissioner of Agriculture & Forestry Dr. Mike Strain praised the EPA for sticking to its rigorous, scientific risk assessment and registration review process for crop protection tools.

“We commend the EPA for its decision today that keeps an important insecticide available for farmers. By maintaining the Maximum Residue Limits (MRLs) for chlorpyrifos, agricultural use of this important tool will continue, significant disruption of international trade is avoided, and harmonization efforts may continue globally. As state regulatory partners with EPA, we look forward to continuing to work with the Agency to ensure current and future tools are reviewed in a rigorous, scientifically sound, and transparent manner.”

NASDA submitted comments to EPA in January 2016 requesting the Agency reevaluate its proposed tolerance revocations in compliance with the law and regulations that mandate a science-based review.

NASDA is a nonpartisan, nonprofit association which represents the elected and appointed commissioners, secretaries, and directors of the departments of agriculture in all fifty states and four U.S. territories. NASDA grows and enhances agriculture by forging partnerships and creating consensus to achieve sound policy outcomes between state departments of agriculture, the federal government, and stakeholders. Learn more about NASDA at www.nasda.org.

###

Contact:
Amanda Culp
Director, Communications
(202) 296-9680
amanda@nasda.org

FOR IMMEDIATE RELEASE
March 29, 2017

NASDA Commends EPA Decision on Chlorpyrifos Petition

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"We commend the EPA for its decision today that keeps an important insecticide available for farmers. By maintaining the Maximum Residue Limits (MRLs) for chlorpyrifos, agricultural use of this important tool will continue, significant disruption of international trade is avoided, and harmonization efforts may continue globally. As state regulatory partners with EPA, we look forward to continuing to work with the Agency to ensure current and future tools are reviewed in a rigorous, scientifically sound, and transparent manner."

NASDA submitted comments to EPA in January 2016 requesting the Agency reevaluate its proposed tolerance revocations in compliance with the law and regulations that mandate a science-based review.

NASDA is a nonpartisan, nonprofit association which represents the elected and appointed commissioners, secretaries, and directors of the departments of agriculture in all fifty states and four U.S. territories. NASDA grows and enhances agriculture by forging partnerships and creating consensus to achieve sound policy outcomes between state departments of agriculture, the federal government, and stakeholders. Learn more about NASDA at www.nasda.org.

###



National Association of State Departments of Agriculture
4350 North Fairfax Drive
#910
Arlington, VA 22203
Tel: 202-296-9680
www.nasda.org

To: Bangerter, Layne[bangerter.layne@epa.gov]
From: U.S. EPA Media Relations
Sent: Wed 3/29/2017 10:35:49 PM
Subject: EPA Administrator Pruitt Denies Petition to Ban Widely Used Pesticide

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
March 29, 2017

EPA Administrator Pruitt Denies Petition to Ban Widely Used Pesticide

Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt signed an order denying a petition that sought to ban chlorpyrifos, a pesticide crucial to U.S. agriculture.

“We need to provide regulatory certainty to the thousands of American farms that rely on chlorpyrifos, while still protecting human health and the environment,” said EPA Administrator Pruitt. “By reversing the previous Administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making – rather than predetermined results.”

“This is a welcome decision grounded in evidence and science,” said Sheryl Kunickis, director of the Office of Pest Management Policy at the U.S. Department of Agriculture (USDA). “It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.”

In October 2015, under the previous Administration, EPA proposed to revoke all food residue tolerances for chlorpyrifos, an active ingredient in insecticides. This proposal was issued in response to a petition from the Natural Resources Defense Council and Pesticide Action Network North America. The October 2015 proposal largely relied on certain epidemiological study outcomes, whose application is novel and uncertain, to reach its conclusions.

The public record lays out serious scientific concerns and substantive process gaps in the proposal. Reliable data, overwhelming in both quantity and quality, contradicts the reliance on – and misapplication of – studies to establish the end points and conclusions used to rationalize the proposal.

The USDA disagrees with the methodology used by the previous Administration. Similarly, the National Association of State Departments of Agriculture also objected to EPA’s methodology. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) also expressed concerns with regard to EPA’s previous reliance on certain data the Agency had used to support its proposal to ban the pesticide.

The FIFRA SAP is a federal advisory committee operating in accordance with the Federal Advisory Committee Act and established under the provisions of FIFRA, as amended by the Food Quality Protection Act of 1996. It provides scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues regarding the impact of regulatory decisions on health and the environment.

To view the petition: <https://www.epa.gov/pesticides>

R044

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: RCL's[CNRCLsOIntergov._Contacts@epa.gov]; AO-OCIR
Everyone[AOOCIR_Everyone@epa.gov]
From: Haman, Patricia
Sent: Thur 3/9/2017 8:36:57 PM
Subject: Air Team Weekly_3-13-2017 regional.docx
Air Team Weekly_3-13-2017 regional.docx

Office of Congressional and Intergovernmental Relations

Air Team Report

Week of March 13, 2017

Hearings/Mark Ups

- March 9: House Agriculture Subcommittee on Commodity Exchanges, Energy, and Credit held a hearing entitled “The Next Farm Bill: Rural Development and Energy Programs.” Witnesses included representatives from business associations and cooperatives representing local government and telecommunications, electric, agriculture, and biotechnology groups. Statements from the Subcommittee Chair and Ranking Member focused on the importance of ensuring quality services to rural American residents and businesses which support a strong economy. Topics of particular interest before the Subcommittee were increasing funding to rural businesses, increasing broadband internet service, and maintaining the Renewable Fuel Standard program as is.
- March 9: Senate Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management held a hearing entitled “Agency Use of Science in the Rulemaking Process: Proposals for Improving Transparency and Accountability.” Witnesses included GWU professor and former Bush administration OMB Director, and representatives from the Union of Concerned Scientists and American Chemistry Council. Discussion touched upon whether legislating what should be “best available science” is helpful or too rigid and restrictive for policymaking and science innovation, what should be the process for peer review, and how much uncertainty should limit policymakers from taking action. EPA was specifically mentioned in regard to perceived problems with using science in the regulatory process on Clean Air Act rules, recently-released TSCA-related risk evaluations, chlorpyrifos registration review, and in discussion on the certainty of climate change and taking action.
- There are no new hearings with EPA witnesses on the horizon.

Meetings/Briefings/Roll-outs

- March 8: We had a phone call with a staffer from Sen. Corker’s (TN) office with Region 4 and the Office of Transportation and Air Quality to brief him on the processes and timelines for the two regulations necessary to approve Tennessee’s request to change their 2008 ozone NAAQS State Implementation Plan to use regular gasoline during the summer ozone season. Their office is anxious to see the two rulemakings move quickly ahead so that fuel providers can switch to the cheaper, regular gasoline, from the previously-required reduced evaporation gasoline.
- March 9: Rep. Goodlatte’s (VA) staff requested a meeting to discuss the underpinnings of the Clean Air Act E15 partial waivers and related technical questions. A phone call was held to answer background questions about the waivers as well as about the classification of E15 as gasoline. In between the request for the call and having the call, Rep. Goodlatte introduced a bill (HR 1315) which would institute certain Renewable Fuel Standard program reforms including revoking the partial waivers which allow for the sale of E15.

To: Benton, Donald[benton.donald@epa.gov]
Cc: Bangerter, Layne[bangerter.layne@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Ferris, Lena
Sent: Thur 3/2/2017 8:01:50 PM
Subject: RE: Farm Bureau
Meeting with WA State Members of the American Farm Bureau Federation.docx

Don – here is the meeting summary from yesterday’s Farm Bureau Meeting. The synopsis of participant concerns is on page three so can act as a stand-a-lone document should you prefer that.

Happy to follow up on any of the issues or set up meetings for you on specific topics that you would like to know more about with the program office’s.

Lena Ferris

Special Assistant to the Agricultural Advisor

Office of the Administrator

From: Benton, Donald
Sent: Wednesday, March 01, 2017 5:02 PM
To: Ferris, Lena <Ferris.Lena@epa.gov>
Subject: Farm Bureau

Lena,

Could you please provide me with a synopsis of the concerns from the group as we went around the table.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**Meeting with WA State Members of the American Farm Bureau Federation
Wednesday March 1 2017 Al Alm Conference Room EPA Headquarters**

EPA Staff from the Office of the Administrator:

Don Benton
Layne Bangerter
Patrick Davis
Lena Ferris

WA State Farm Bureau Participants:

First Name	Middle	Last Name
Michael	Glenn	LaPlant
Aaron	G	Golladay
Bradley	William	Haberman
John	Christopher	Stuhlmiller
Sarah	Louise	Howard
Melodie	Janie	Kirk
Paula		McKay
Rosella	Zehnder	Mosby
Andrea	Dale	Vincent
Jon	Cordell	Wyss
Sam		Low

Don Benton began the meeting with a series of opening remarks focused on the below themes:

- The new Administration is committed to a transparent and inclusive way of moving forward.
- The new Administration recognizes that farmers are stewards and conservationists as their livelihood is based on a healthy environment and therefore farmers and ranchers already come with an understanding and an inherit desire to protect the environment.
- The new Administration is committed to developing new relationships between EPA and the agricultural community; a relationship based on partnerships not on regulations and enforcement.
- The new Administration will be appointing many new political appointees to help implement this new relationship between EPA and the agricultural community. 10 new RA's will be appointed and thousands of other positions across the Administration.
- Our goal is to help farmers comply with the law in a way that make sense.
- Discussed the role of EPA's Farm Ranch and Rural Communities FACA Committee and opportunities for new membership in the next few months.
- Don also indicated that he has already talked to the Dairy Federation regarding issues related to the Yakima Valley nitrates and understands this is a real concern for the WA State Dairies.

Administrator Pruitt joined the group for brief remarks. His remarks focused on the following themes:

- Stressed that this is a new day, a new future, for a common sense approach to environmental protection.
- President Trump signed Executive Order for EPA to reconsider and rewrite the WOTUS regulation and Administrator Pruitt wasted no time signing a FR Notice to begin implementation of that process.
- Regulations must be regular and provide the impacted communities with certainty about how to comply so that businesses can plan for necessary changes and resources.
- Regulations need to be written based on language specifically addressed within the environmental statutes and not have the statutes interrupted to meet broader goals they were not specifically designed to meet.
- The new Administration understands the tremendous economic impact agriculture plays in our economy and is looking forward to working closely with the agricultural community.

The meeting then proceeded by allowing for each of the participants to go around the room and make an observation or raise a concern. Topics were not resolved rather it was designed as a listening session for EPA to hear the concerns of the participants.

Observations/Concerns raised by participating members of the WA State Farm Bureau:

- *“What’s Upstream”*: All the participants raised concern regarding the “What’s Upstream” campaign that was funded through a subgrant awarded through EPA’s Region 10 Office.
- *Regulatory Overreach*: Members expressed concern that farmers and ranchers need for EPA to go back to what our statutes are designed to do. Farmers are trying to feed the world and EPA is making that mission harder and harder. EPA needs to be a partner in this mission not a barrier.
- *Conflicting Science*: Outstanding issues regarding conflicts between EPA science and NRCS science.
- *CWA Section 319 Grants*: The CWA 319 program has too many requirements that many farmers don’t even consider applying for the grants any longer; which is just another example of EPA making it so difficult for farmers to want to be involved in EPA programs.
- *Matrix of Regulations*: For small land owners and farmers it is usually the wife or a member of the family that is trying to navigate through the web of regulations and with more and more complicated requirements small farmers are being pushed out of business. The vulnerability of being prosecuted isn’t worth the risk to keep farming.
- *Pesticide Availability*: The huge reduction in the number of pesticides available is a large concern. When a pesticide is taken off the market farmers need more than one alternative to choose from. Farmers are always dealing with new invasive species and need more options not less for selecting pesticides to deal with those challenges.
- *Worker Protection Standards*: Concern regarding the 100-foot exclusion zone (buffer zone) around the application equipment for the spraying of pesticides.
- *EPA/FDA Conflicts*: Concern regarding the often conflicting and confusing and mounting requirements between EPA/FDA.
- *HFC’s Phase-Out*: Concern regarding the phase-out of HFC’s and the impact on smaller farms that use cold storage warehouses and difficulties/cost impacts to transitioning to other options.
- *Dairy Industry*: Concern that EPA does not understand enough about how the dairy industry works in real life and is hoping for better partnership with EPA in the coming months.
- *Chlorpyrifos*: Need a reasonable approach to regulating this pesticide and would like the farming community to be more involved in the process.
- *Opportunities for Change*: Members were excited about the new goals of the Administration, excited to be part of the change to WOTUS and expressed optimism and joy to have opportunities to partner with an EPA that is trying to help them succeed.

To: Benton, Donald[benton.donald@epa.gov]
From: Weekly Report Group
Sent: Fri 3/31/2017 12:09:39 PM
Subject: FW: 3 30 17 Weekly Update for OCIR
3 30 17 Weekly Update for OCIR.docx

Mike Flynn

Acting Deputy Administrator

U.S. Environmental Protection Agency

202-564-4711

From: Richardson, RobinH
Sent: Thursday, March 30, 2017 6:28 PM
To: Weekly Report Group <Weekly_Report_Group@epa.gov>
Subject: 3 30 17 Weekly Update for OCIR

Hi all – Please find OCIR’s Weekly attached. If you have any questions please let me know.
Best, Robin

Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

Ex. 6 - Personal Privacy (cell)

richardson.robinh@epa.gov

Weekly Update for OCIR
Week of April 3, 2017 – April 14, 2017

- ***Upcoming Hot Issues and Important Deadlines***

- **Monday, April 3, 2017-** Briefing for House Energy and Commerce Committee staff on the role and functions of EPA’s Office of Homeland Security

- ***Upcoming Major Public Events***

- **Wednesday, April 5, 2017** EPA’s Office of Water will join OIR in a meeting with **Mayor Susan Rohan**, and others from the **City of Roseville, CA** to discuss an array of water issues.
- **Wednesday, April 6– 8** Over 45 state environmental agency directors are slated to attend **The Environmental Council of the States' (ECOS) 2017 Spring meeting** The theme for the Spring meeting is *New Administration, New Congress: States' Path Ahead* with keynotes by **Misael Cabrera of Arizona** on building a change-receptive organization and by U.S. EPA Administrator Scott Pruitt and **Senate Environment & Public Works Committee Chairman John Barrasso of Wyoming** on their respective priorities.

- ***Past week accomplishments***

- **Tuesday, March 28, 2017** - Senate Committee Environment & Public Works Legislative Hearing on: S. 518, a bill to amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works; S. 692, the “Water Infrastructure Flexibility Act of 2017;” and S. 675, the “Long Island Sound Restoration and Stewardship Act” - **No EPA Witness (Statement requested)**
- **Thursday, March 30, 2017** - Congressional Estuary Caucus staff briefing on estuary management and research w/OW, NOAA/OHC & OCM, and DOI/FWS. Currently 27 Members of the Estuary Caucus
- **Thursday, March 30, 2017** Notification of Chlorpyrifos petition denial w/OCSPP
- **Thursday, March 30, 2017** – In follow up to the Executive Order signed on Tuesday, March 28, 2017, Administrator Pruitt sent a letter to all Governors indicating that states have no obligation to spend resources to comply with the Supreme Court-stayed Clean Power Plan (CPP)
- **Wednesday, March 29, 2017-** **Hearing before the Senate Environment and Public Works Committee on “Cleanup of Cold War legacy sites under the Formerly Used Defense Sites (FUDS) program, the Formerly Utilized Sites Remedial Action Program (FUSRAP), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Witness: Barry Breen, Acting Assistant Administrator for Land and Emergency Management**

- *Ongoing activities*

- **OCIR and Region 4** continue to provide updates to Sen. Corker's office on the progress of the two rules under development, one each at the regional and headquarters offices, to approve the TN request to use standard gasoline, as opposed to less volatile and lower Reid vapor pressure (RVP) gasoline, during the summer months. The office and the state agency would like the rules to move as quickly as possible, and so far, EPA has successfully expedited their development. The proposed rule at headquarters is nearing signature

To: Benton, Donald[benton.donald@epa.gov]
From: Weekly Report Group
Sent: Fri 3/31/2017 12:02:27 PM
Subject: FW: OGC's Weekly Report
OGC Weekly Report 3.30.17.docx

Mike Flynn

Acting Deputy Administrator

U.S. Environmental Protection Agency

202-564-4711

From: Minoli, Kevin
Sent: Thursday, March 30, 2017 10:14 PM
To: Weekly Report Group <Weekly_Report_Group@epa.gov>
Cc: Knapp, Kristien <Knapp.Kristien@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: OGC's Weekly Report

All- Attached is OGC's Weekly Report for March 30th. For any items listed, please feel free to contact me, Elise, Justin, or David for more information. Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

OGC Weekly Report for 3/30/17

Hot Issues

Ex. 5 - Attorney Client & Deliberative Process

Upcoming Public Events in the Next Two Weeks

4/6-7 Acting General Counsel to attend the ECOS meeting

Upcoming Major Deadlines in the Next Two Weeks

Ex. 5 - Attorney Client & Deliberative Process

Last Week Highlights

- OGC's Alternative Dispute Resolution Program chosen by the Kennedy Business School at Harvard University as one of the Top 25 Innovations in Government (currently embargoed from public release)

To: Benton, Donald[benton.donald@epa.gov]
From: Weekly Report Group
Sent: Fri 3/24/2017 12:19:32 PM
Subject: FW: OGC Weekly Report
OGC Weekly Report 3.23.17.docx

Mike Flynn

Acting Deputy Administrator

U.S. Environmental Protection Agency

202-564-4711

From: Minoli, Kevin
Sent: Thursday, March 23, 2017 8:59 PM
To: Weekly Report Group <Weekly_Report_Group@epa.gov>
Cc: Schwab, Justin <schwab.justin@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Amanda <gunasekara.amanda@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Trudeau, Shaun <Trudeau.Shaun@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>
Subject: OGC Weekly Report

Attached is OGC's Weekly Report. Also available upon request are the following:

1. List of litigation deadlines for the next 90 days
2. Detailed list of litigation and similar deadlines over the next two weeks
3. Court ordered, settlement, and consent decree deadlines through 2017

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

OGC Weekly Report

Upcoming Public Events in the Next Two Weeks

3/27 COS Jackson, OGC, OP, and OAR meeting with representatives from Murray Energy

Upcoming Major Deadlines in the Next Two Weeks

Ex. 5 - Attorney Client & Deliberative Process

Last Week Highlights

- Thirty OGC employees volunteered to answer EPA's main line in response to increased call volume
- The Federal Laboratory Consortium selected scientists from ORD and attorneys from OGC to receive an award for their efforts to invent, patent, and then make available "NoMonia," which removes ammonia and other pollutants from water
- Court order requiring EPA to complete 13 risk and technology reviews, seven by 12/31/18 and six by 6/30/20 issued in *Blue Ridge Environmental Defense League v. Pruitt*
- Supreme Court rejected US position and further limited President's ability to nominate an individual for a PAS position and have that individual serve in that position on an acting basis

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Benton, Donald
Sent: Wed 3/8/2017 2:34:47 PM
Subject: Re: Checking in

Weird, I was responding to your email about the 3pm. We meet everyday to boil down all the hot issues into what is most important for Scott to get decisions from him the next morning at the 8am. Love to have you instead of Shannon. She was asked yesterday to prepare a chronological list of issues based on deadline dates due to bring to each meeting. See you at 3 today.
Don

Sent from my iPad

> On Mar 8, 2017, at 9:22 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> I didn't get a message here.

>

> -----Original Message-----

> From: Benton, Donald

> Sent: Wednesday, March 8, 2017 8:02 AM

> To: Dravis, Samantha <dravis.samantha@epa.gov>

> Subject: Re: Checking in

>

>

>

> Sent from my iPad

>

>> On Mar 8, 2017, at 6:55 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> Good morning gentlemen!

>>

>> I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that going forward instead of Shannon. Could you forward me calendar invitations?

>>

>> Thank you!

>>

>> -----Original Message-----

>> From: Kenny, Shannon

>> Sent: Tuesday, March 7, 2017 5:40 PM

>> To: Dravis, Samantha <dravis.samantha@epa.gov>

>> Cc: Rees, Sarah <rees.sarah@epa.gov>

>> Subject: Checking in

>>

Ex. 5 - Deliberative Process

>> I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

>>
>> Shannon
>>
>> Sent from my iPhone

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Benton, Donald
Sent: Wed 3/8/2017 1:01:32 PM
Subject: Re: Checking in

Sent from my iPad

> On Mar 8, 2017, at 6:55 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:
>
> Good morning gentlemen!
>
> I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that
> going forward instead of Shannon. Could you forward me calendar invitations?
>
> Thank you!
>
> -----Original Message-----
> From: Kenny, Shannon
> Sent: Tuesday, March 7, 2017 5:40 PM
> To: Dravis, Samantha <dravis.samantha@epa.gov>
> Cc: Rees, Sarah <rees.sarah@epa.gov>
> Subject: Checking in
>

Ex. 5 - Deliberative Process

>
> I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that
> process and how to make it serve the Administrator better. It may also be good to chat about how to
> make it serve you better in your AA role.
>
> Shannon
>
> Sent from my iPhone

From: Dravis, Samantha
Location: 3513A
Importance: Normal
Subject: Chlorpyrifos
Start Date/Time: Mon 3/6/2017 9:00:00 PM
End Date/Time: Mon 3/6/2017 9:30:00 PM

To: Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Dravis, Samantha
Sent: Thur 3/30/2017 3:06:53 PM
Subject: Fwd: News release - Farm Bureau Praises EPA Chlorpyrifos Decision

Sent from my iPhone

Begin forwarded message:

From: Paul Schlegel <pauls@fb.org>
Date: March 30, 2017 at 10:56:26 AM EDT
To: "David Kreutzer (kreutzer.david@epa.gov)" <kreutzer.david@epa.gov>, "dravis.samantha@epa.gov" <dravis.samantha@epa.gov>
Subject: News release - Farm Bureau Praises EPA Chlorpyrifos Decision

David & Samantha –

I wanted you to the press statement we have issued. We're very supportive of the Administrator's decision yesterday.

Paul

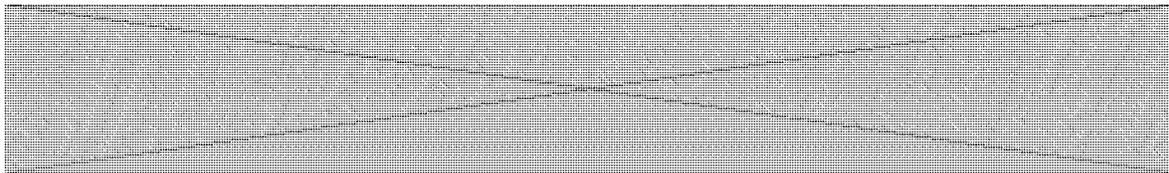
Paul Schlegel

Director, Energy and Environment Team

Direct: (202) 406-3687

Cell: Ex. 6 - Personal Privacy

Email: pauls@fb.org



Contacts: Will Rodger
(202) 406-3642
willr@fb.org

Kari Barbic
(202) 406-3672
karib@fb.org

Farm Bureau Praises EPA Chlorpyrifos Decision

WASHINGTON, D.C., March 30, 2017 – American Farm Bureau Federation President Zippy Duvall today applauded Environmental Protection Agency Administrator Scott Pruitt for rejecting a petition that would have eliminated the use of chlorpyrifos in agriculture.

“Farmers nationwide depend on chlorpyrifos in managing their crops,” Duvall said. “It is widely and safely used for a wide range of crops, including alfalfa, citrus, vegetables, soybeans, almonds and others. It also protects hundreds of thousands of acres of grass seed production, where it controls aphids, cutworms and other pests. As USDA has noted, chlorpyrifos has been used as a part of environmentally friendly IPM (integrated pest management) programs for nearly 50 years.”

Duvall noted that the chemical is still subject to registration review and any concerns about its safe use can be addressed in that process.

AFBF earlier filed comments with EPA expressing concern over the agency’s approach. The agency had apparently relied on epidemiological studies even though researchers had failed to share raw data with the agency. EPA’s own Scientific Advisory Panel, as well as USDA, had expressed caution about how the agency used the epidemiological study.

To: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hull, George[Hull.George@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Bennett, Elizabeth[bennett.elizabeth@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Gunasekara, Amanda[gunasekara.amanda@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Freire, John Peter[freire.johnpeter@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]
Cc: Gaines, Cynthia[Gaines.Cynthia@epa.gov]
From: Hope, Brian
Sent: Thur 3/23/2017 8:12:56 PM
Subject: Daily Reading File - March 23, 2017
[Daily Reading File.3.23.17.pdf](#)



Correspondence Management System

Control Number: AX-17-000-6638

Printing Date: March 23, 2017 11:41:52



Citizen Information

Citizen/Originator: Ex. 6 - Personal Privacy

Organization: N/A

Address: Ex. 6 - Personal Privacy

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-17-000-6638

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Apr 6, 2017

of Extensions: 0

Letter Date: Mar 23, 2017

Received Date: Mar 23, 2017

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: DRF -Urge EPA to keep Chlorpyrifos in our inventory. The court-ordered deadline for the decision is March 31, leaving us insufficient time to adjust for this growing season.

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OGC - Office of General Counsel -- Immediate Office
OHS - Office of Homeland Security
OPA - Office of Public Affairs
R5 - Region 5 -- Immediate Office
Susan Burden - AO-IO

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Brenda Salvador	OEX	OCSP	Mar 23, 2017	Apr 6, 2017	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Thu Mar 23 09:22:18 EDT 2017
Hope.Brian@epamail.epa.gov
FW: Farmers need Chlorpyrifos
To: CMS.OEX@epamail.epa.gov

Daily Reading File

From: Ex. 6 - Personal Privacy mailto: Ex. 6 - Personal Privacy
Sent: Thursday, March 23, 2017 2:23 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Farmers need Chlorpyrifos

Dear Administrator fo the U.S. EPA Scott Pruitt,

The news that EPA plans to move forward with the Chlorpyrifos; Tolerance Revocation process is disappointing. As a Minnesota soybean farmer, there are fewer and fewer options for us to control soybean aphids and spider mites, two of the major pests threatening soybean yields in the state.

A major outbreak of soybean aphids can cut down my yield by 40 percent. A major outbreak of spider mites could do even more damage to soybean yields.

We used to rely on Organophosphates (Chlorpyrifos), Pyrethroids and Neonicotinoids. These days, we're seeing resistance to pyrethroids in our state, namely to bifenthrin and lambda-cyhalothrin. Additionally, neonicotinoids are also under attack in Minnesota, with Gov. Mark Dayton essentially banning the use of these chemicals due to concerns with its effect on pollinators. Additionally, Sulfonamides was denied a label for use on soybeans due to pollinator concerns.

We're losing options to combat these pests, and there are a limited number of varieties available to plant in Minnesota. Currently, the University of Minnesota is developing multiple levels of genetic resistance to be used in all maturity groups grown in the state, but it will be several years before these will be available. Furthermore, biological control using insect diseases and insect predators is inconsistent at best.

The court-ordered deadline for the decision is March 31, leaving us insufficient time to adjust for this year's growing season. If the EPA recommends revocation of the Chlorpyrifos, Minnesota farmers will be left to battle soybean aphids and spider mites with little more than a feather. I urge you to keep Chlorpyrifos in our inventory and give farmers the best chance to protect our crops.

Regards,

Ex. 6 - Personal Privacy

From: Kime, Robin
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Chlorpyrifos - Invitees Only
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Contact Robin with questions 564-6587.

From: Kime, Robin
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Chlorpyrifos - Invitees Only
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Contact Robin with questions 564-6587.

From: Kime, Robin
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Chlorpyrifos
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Topic: Chlorpyrifos

Time: 10:00-10:30

Location: 3500 WJCN

Required: Rees, Sarah <rees.sarah@epa.gov>; Nickerson, William
<Nickerson.William@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>

From: Dravis, Samantha
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Canceled: Chlorpyrifos - Invitees Only
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Contact Robin with questions 564-6587.

To: Minoli, Kevin[Minoli.Kevin@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Konkus, John[konkus.john@epa.gov]; Freire, JP[Freire.JP@epa.gov]
From: Dolph, Becky
Sent: Fri 3/31/2017 9:48:55 PM
Subject: Selected Incoming FOIAs -- week of 3/27/2017
[Selected FOIA Requests. general. 03.27.2017.docx](#)

Ex. 5 - Attorney Client & Deliberative Process

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To: Dravis, Samantha[dravis.samantha@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]
From: Freire, JP
Sent: Fri 3/31/2017 8:07:50 PM
Subject: RE: pesticide

Ex. 5 - Deliberative Process

From: Dravis, Samantha
Sent: Friday, March 31, 2017 4:02 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Freire, JP <Freire.JP@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: pesticide

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 31, 2017, at 3:54 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

https://www.nytimes.com/2017/03/29/us/politics/epa-insecticide-chlorpyrifos.html?_r=0

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Freire, JP[Freire.JP@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Dravis, Samantha
Sent: Fri 3/31/2017 8:01:48 PM
Subject: Re: pesticide

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 31, 2017, at 3:54 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

https://www.nytimes.com/2017/03/29/us/politics/epa-insecticide-chlorpyrifos.html?_r=0

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U.S. Environmental Protection Agency

(202) 564-6999

To: Freire, JP[Freire.JP@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Jackson, Ryan
Sent: Fri 3/31/2017 7:54:19 PM
Subject: pesticide

https://www.nytimes.com/2017/03/29/us/politics/epa-insecticide-chlorpyrifos.html?_r=0

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

Cc: Jackson, Ryan[jackson.ryan@epa.gov];
Ex. 6 - Personal Privacy } Brown,
Byron[brown.byron@epa.gov]; Brian Klippenstein
Ex. 6 - Personal Privacy } S
Kunickis[sheryl.kunickis@osec.usda.gov]
To: Rebeckah Adcock[RAAdcock@croplifeamerica.org]
From: Sheryl Kunickis
Sent: Fri 3/31/2017 7:17:18 PM
Subject: Re: FYI Pesticide Policy Coalition Praises EPA Chlorpyrifos Decision

Thank you! It is a great week for our growers and the decision is much appreciated.
Sheryl

Sent from my iPhone

On Mar 31, 2017, at 3:05 PM, Rebeckah Adcock <RAAdcock@croplifeamerica.org> wrote:

PESTICIDE POLICY COALITION

A Coalition Working for Sound Pest Management Policies

NEWS RELEASE

For more information, contact:

Ethan Mathews, mathews@ncga.com

Work: (202) 326-0647 Cell: (202) 374-9566

Pesticide Policy Coalition Praises EPA Chlorpyrifos Decision

WASHINGTON (March 30, 2017) – Members of the Pesticide Policy Coalition (PPC) today praised the U.S. Environmental Protection Agency (EPA)'s decision to deny a petition to remove the crop protection tool chlorpyrifos from the market.

“We need to provide regulatory certainty to the thousands of American farmers that rely on chlorpyrifos, while still protecting human health and the environment,” EPA Administrator Scott Pruitt stated in the [announcement](#). “By reversing the previous administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making.”

PPC is a coalition of food, agriculture, pest management, and related organizations that support transparent, fair, and science-based regulation of pest management. PPC members heralded the announcement.

“The National Corn Growers Association supports transparent, science-based oversight of pesticides. We are encouraged by the EPA’s decision because it signals a return to those standards and procedures. Farmers need access to many crop protection tools to ensure all tools can remain

effective,” said NCGA President Wesley Spurlock, a farmer from Stratford, Texas.

“As USDA has noted, chlorpyrifos has been used as part of environmentally-friendly integrated pest management programs for nearly 50 years. It is widely and safely used for a range of crops, including alfalfa, citrus, vegetables, soybeans, [and] almonds... [and] also protects hundreds of thousands of acres of grass seed production,” said American Farm Bureau Federation President Zippy Duvall.

“Farmers count on the continual advancement of crop protection technology to stay ahead of crop threats, and that advancement hinges on a predictable regulatory process. EPA heeded the concerns laid out by stakeholders, state regulators, trading partners and even USDA in the public record. Today’s decision reinforces the strength, objectivity and consistency of EPA’s pesticide registration and registration-review process,” stated Jay Vroom, president and CEO of CropLife America (CLA).

About the Pesticide Policy Coalition

PPC is a coalition of food, agriculture, pest management, and related organizations that support transparent, fair and science-based regulation of pest management. PPC members include nationwide and regional farm, commodity, specialty crop, and silviculture organizations; cooperatives; food processors and marketers; pesticide manufacturers, formulators and distributors; pest- and vector-control operators; research organizations; and other interested parties. PPC serves as a forum for the review, discussion, development, and advocacy of pest management policies and issues important to its members.

###

To: Jackson, Ryan[jackson.ryan@epa.gov];
Ex. 6 - Personal Privacy Brown,
Byron[brown.byron@epa.gov]; Sheryl Kunickis; Ex. 6 - Personal Privacy Brian Klippenstein
Ex. 6 - Personal Privacy
From: Rebeckah Adcock
Sent: Fri 3/31/2017 7:05:21 PM
Subject: FYI Pesticide Policy Coalition Praises EPA Chlorpyrifos Decision

PESTICIDE POLICY COALITION

A Coalition Working for Sound Pest Management Policies

NEWS RELEASE

For more information, contact:

Ethan Mathews, mathews@ncga.com

Work: (202) 326-0647 Cell: (202) 374-9566

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###

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]
From: Hupp, Sydney
Sent: Thur 3/30/2017 5:11:34 PM
Subject: FW: FINAL Meeting Agenda and Materials
[Pruitt Meeting Materials.pdf](#)

FYI.

Sydney Hupp

Office of the Administrator- Scheduling

202.816.1659

From: Mary Jo Tomalewski [mailto:mjtomalewski@croplifeamerica.org]
Sent: Thursday, March 30, 2017 11:22 AM
To: Hupp, Sydney <hupp.sydney@epa.gov>
Cc: Jay Vroom <JVroom@croplifeamerica.org>
Subject: FINAL Meeting Agenda and Materials

Sydney,

We have refined our proposed topics for today's CEO Council meeting with the administrator. Attached, please find:

- [REDACTED] Revised "Final Proposed Agenda Topics," which includes the list of those CEO Council members who will attend our meeting today, and their short bios
- [REDACTED] Introduction / Mission Overview of the CEO Council
- [REDACTED] CEO Council Letter to President Trump, dated February 9, 2017

We assume we can skip a formal "round table of introductions" at the beginning of the meeting as our time is short and we want to maximize time spent talking about issues.

MJ

Mary Jo Tomalewski

Executive Assistant to the President & CEO

CropLife America

1156 15th Street, NW

Suite 400

Washington, DC 20005

Direct Dial (202) 872-3849

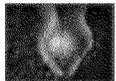
Main Switchboard (202) 296-1585

Mobile Ex. 6 - Personal Privacy

Fax (202) 466-5832

Email mjtomalewski@croplifeamerica.org

Web www.croplifeamerica.org



How can I serve you today?

Future Meetings

2017 Spring Regulator Conference – April 6-7, Arlington, VA

2017 Annual Meeting – September 22-27, Dana Point, CA

2018 Winter Board of Directors Meeting – March 5-7, Washington, DC

2018 Annual Meeting – September 21-26, The Ritz-Carlton Amelia Island

FINAL PROPOSED AGENDA TOPICS

Meeting Information: Office of EPA Administrator Scott Pruitt
 1200 Pennsylvania Avenue, NW
 Washington, DC
 Thursday, March 30, 2017 3:45-4:30 PM

Topic
1. Thanks to Trump Administration and Administrator Pruitt for <u>early decisive</u> actions: <ul style="list-style-type: none"> a. WOTUS b. Chlorpyrifos Petition
2. <u>Top Priority Issues</u> <ul style="list-style-type: none"> a. Ag Advisor Position – We recommend adding additional title of “Assistant Deputy Administrator” as a title b. Water <ul style="list-style-type: none"> i. Next steps to refine / clarify beyond WOTUS ii. NPDES permits (CAFO Program needs work; legislation to fix water permits NOT needed for lawful use of pesticides) c. Pesticides Policy <ul style="list-style-type: none"> i. Endangered Species Act conflicts with Pesticide Regulation and Biotech Regulation ii. Epidemiology Study Policy (as aftermath from Chlorpyrifos matter) iii. Reform Certification & Training and Worker Protection Rules – Suspend implementation and revise d. Renewable Fuels Standard – current program kept consistent e. Communication / Messaging / Opinion Polling – vital to all parties’ ability to advance sound policy f. EPA and USDA Cooperation and Coordination – Already vast progress; <u>more</u> can be done! g. Environmental Justice, Research & Development, and Children’s Health Offices – Better integration with and reform of EPA program offices; sound science h. Regulation of Manufacturing & Mining Facilities for Ag Inputs – Restore science and process i. Public and Science Advisory Panels at EPA – Balance, strategic agendas j. “Air Emissions” from farming operations

CEO Attendees

American Seed Trade Association	Andrew “Andy” LaVigne, President and CEO
American Soybean Association	Steve Censky, Chief Executive Officer (Co-Chair)
Biotechnology Innovation Organization	Dana O’Brien, Executive Vice President
CropLife America	Jay Vroom, President and CEO (Co-Chair)
The Fertilizer Institute	Chris Jahn, President
National Association of Wheat Growers	Chandler Goule, CEO
National Corn Growers Association	Chris Novak, CEO (Co-Chair)
National Cotton Council	Gary Adams, President and CEO
National Council of Farmer Cooperatives	Chuck Conner, President and CEO
National Pork Producers Council	Neil Dierks, CEO
United Fresh Produce Association	Tom Stenzel, President and CEO
USA Rice Federation	Betsy Ward, President & CEO
National Association of State Departments of Agriculture	Barb Glenn, CEO, ex-officio

Others

American Farm Bureau Federation	Dale Moore, Deputy Executive Director
Corn Refiners Association	John Bode, President & CEO
National Farmers Union	Rob Larew, Senior VP

Production Agriculture's CEO Council

Introduction/Mission Statement: The production agriculture "CEO Council" coordinates alignment on core issues of modern agricultural systems through telling our story, sharing information and leveraging our strengths, while serving as a resource for government decision makers and others interested in USA food, fiber and renewable fuels.

Core Focus of Interest

- Research and innovation
- Technology access
- Science and risk-based regulation
- Sustainability, environment, and weather
- Marketability, trade, and economic prosperity
- Government leadership and partnership with private sector
- Food access and food safety
- Plant and animal health
- Ag labor

The Council supports (principles/themes):

- Accelerating rural economic growth and improving productivity through innovation and technology
- Promoting research and innovation that enables development of tools and techniques necessary for discovering new products that hold tremendous potential for farmers and society at large
- Enabling a regulatory and commercial environment in which agricultural products are marketable, both domestically and internationally
- Appropriate balance between Federal and State Governments and a cooperative regulatory approach
- Access to essential labor in balance with an effective Federal immigration policy and adequate worker safety protections
- Support for all methods of agricultural production
- Transparency and dialogue with consumers

Members of the CEO Council (see reversed)

CEO Council Members

American Farm Bureau	Vincent “Zippy” Duvall, President
American Seed Trade Association	Andrew “Andy” LaVigne, President and CEO
American Soybean Association	Steve Censky, Chief Executive Officer (Co-Chair)
Biotechnology Innovation Organization	Dana O’Brien, Executive Vice President
CropLife America	Jay Vroom, President and CEO (Co-Chair)
The Fertilizer Institute	Chris Jahn, President
National Association of Wheat Growers	Chandler Goule, CEO
National Cattlemen’s Beef Association	Kendal Frazier, CEO
National Chicken Council	Michael Brown, President
National Corn Growers Association	Chris Novak, CEO (Co-Chair)
National Cotton Council	Gary Adams, President and CEO
National Council of Farmer Cooperatives	Chuck Conner, President and CEO
National Farmers Union	Roger Johnson, President
National Milk Producers Federation	Jim Mulhern, President and CEO
National Pork Producers Council	Neil Dierks, CEO
United Fresh Produce Association	Tom Stenzel, President and CEO
USA Rice Federation	Betsy Ward, President & CEO
National Association of State Departments of Agriculture	Barb Glenn, CEO, ex-officio

February 9, 2017

The President
The White House
Washington, D.C. 20500

Dear Mr. President,

We, the CEO Council (undersigned herein), representing the production agricultural value chain, including many agricultural producers and farm input developers and suppliers, look forward to working with you and your Administration on matters of importance to American agriculture.

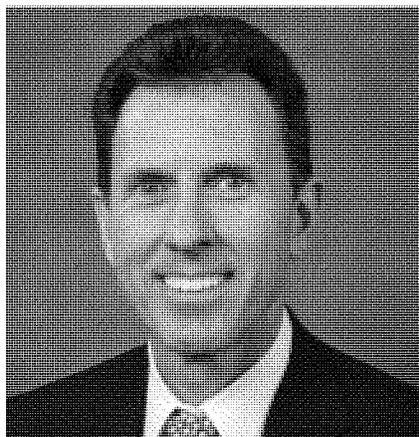
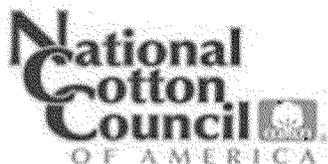
The challenges we face in agriculture are significant. Many experts emphasize that producers must grow as much food in the next 50 years as was produced over all previous history to meet the demands of our expanding global population. A firm commitment by the U.S. government to aggressively support agricultural innovation and science-based regulatory decisions will be necessary to ensure farmers have the tools they need to produce a safe and abundant supply of nutritious food, in addition to feed, fuel and fiber, in an environmentally sound and sustainable manner.

The policy and regulatory environment your Administration establishes can ensure that agricultural innovation flourishes and American farmers are able to meet the food production goals necessary to feed billions more people. We are ready to provide the White House and the Executive Branch Departments and Agencies, as well as Congress, with policy concepts that foster stability in the U.S. agriculture economy with a strong and predictable farm safety net and promotes American competitiveness through research; marketability and trade of agricultural commodities; rural economic growth; and plant, animal, and environmental health, among many other things.

We appreciate your attention to these and other issues of value to American production agriculture and food consumers everywhere.

Sincerely,

American Farm Bureau Foundation, Zippy Duvall
American Seed Trade Association, Andy LaVigne
American Soybean Association, Steve Censky
Biotechnology Innovation Organization, Dana O'Brien
CropLife America, Jay Vroom
The Fertilizer Institute, Chris Jahn
National Association of Wheat Growers, Chandler Goule
National Cattlemen's Beef Association, Kendal Frazier
National Corn Growers Association, Chris Novak
National Cotton Council, Gary Adams
National Council of Farmer Cooperatives, Chuck Conner
National Farmers Union, Roger Johnson
National Milk Producers Federation, Jim Mulhern
National Pork Producers Council, Neil Dierks
United Fresh Produce Association, Tom Stenzel
USA Rice Federation, Betsy Ward



Gary M. Adams
President and Chief Executive Officer
National Cotton Council of America

Gary Adams assumed the position of President and Chief Executive Officer of the National Cotton Council in February 2015. He plays a key role in guiding the industry's seven segments to reach consensus on critical policies affecting U.S. cotton, with the mission of helping all U.S. cotton industry segments compete effectively and profitably in global markets.

Prior to that, Gary served the Council for 13 years as the Vice President of Economic and Policy Analysis. As the Council's chief economist, he provided economic outlooks for global cotton markets, as well as analyzing the impacts of farm and trade policies.

Gary also represents the U.S. cotton industry as a member of USDA's Agricultural Policy Advisory Committee. Previously, Gary served on USDA's Advisory Committee on Trade from 2005 through 2011 and the NASS Advisory Committee on Agricultural Statistics from 2003 through 2009.

Prior to joining the Council, Gary was a Research Assistant Professor in the Department of Agricultural Economics at the University of Missouri. During his 13-year tenure at the university, Gary's primary responsibilities included policy analysis and market outlook for the Food and Agricultural Policy Research Institute, also known as FAPRI. While at FAPRI, Gary and his colleagues were recognized by the American Agricultural Economics Association for their distinguished policy contributions.

Gary has B.S. and M.A. degrees in Applied Mathematics from the University of Alabama and a Ph.D. in Agricultural Economics from the University of Missouri. Gary and his wife,

Ex. 6 - Personal Privacy

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Stephen L. Censky

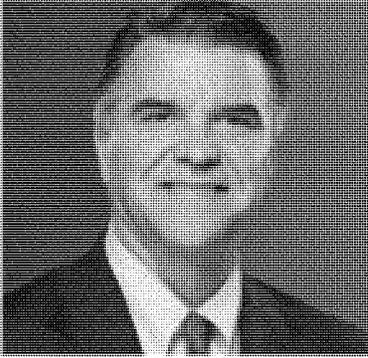
Chief Executive Officer

Stephen L. Censky is the American Soybean Association's (ASA) Chief Executive Officer, a staff position he accepted in April 1996. As ASA's top executive, Censky is in charge of managing ASA's legislative, trade policy, membership and education and training programs.

The American Soybean Association is a national, not-for-profit commodity organization with over 22,000 members. ASA works as the domestic and international policy advocate for soybean producer members.

Prior to joining ASA, Censky worked in Washington, D.C. for over a decade. He began his career on Capitol Hill as a legislative assistant for agricultural and transportation matters to Senator Jim Abdnor (R-SD). Later he served in both the Reagan and Bush Administrations at the U.S. Department of Agriculture, helping to craft the 1990 Farm Bill and eventually serving as Administrator of the Foreign Agricultural Service where he was involved in global trade negotiations and running our nation's export programs.

Censky received his Bachelor's of Science degree of Agriculture from South Dakota State University and his Master's Diploma in Agriculture Studies from the University of Melbourne, Australia.



Charles F. (Chuck) Conner

***President and CEO
National Council of Farmer Cooperatives***

Charles F. (Chuck) Conner became president & CEO of the National Council of Farmer Cooperatives (NCFC) on January 22, 2009. As president of NCFC, Conner will oversee the organization's work to promote and protect the business and public policy interests of America's farmer-owned cooperatives. He will also provide the strategic vision for the trade association as it continues to seek new ways in which to add value for its membership.

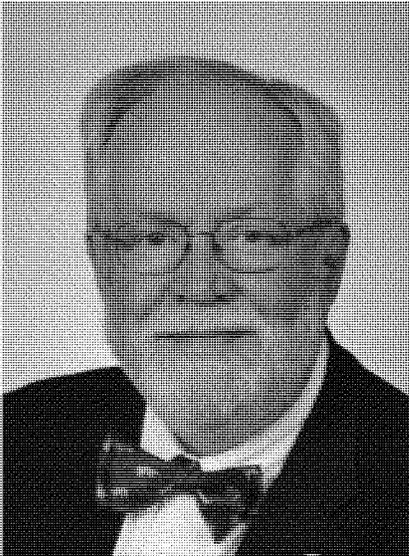
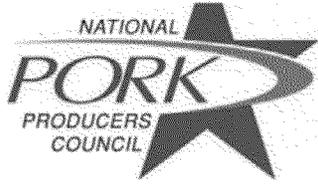
Prior to joining NCFC, Conner had served as the Deputy Secretary at the U.S. Department of Agriculture since mid-2005. In this capacity, he was the Chief Operating Officer (COO) overseeing day-to-day operations of the department. Conner interacted directly with President George W. Bush and his senior staff to formulate domestic and international food, trade, security and energy policy. He led development of the Bush Administration's \$300 billion Farm Bill proposal and the strategy to educate and inform industry, constituents and Congress.

From August 2007 to January 2008, Conner served as both USDA Secretary and Deputy Secretary. He played a key role in developing the Administration's immigration policy including important changes to the H2A program.

Conner's experience also includes the assignment of Special Assistant to the President, Executive Office of the President, from October 2001 to May 2005, working on the 2001/2 Farm Bill to develop the strategy behind the transfer of several USDA agency functions to the newly formed Department of Homeland Security.

From May 1997 to October 2001 Conner served as President of the Corn Refiners Association. He also served for 17 years as an advisor to U.S. Senator Richard Lugar of Indiana.

Conner is a graduate of Purdue University, with a Bachelor's of Science degree and is the recipient of Purdue's Distinguished Alumni Award. He and his wife Ex. 6 - Personal Privacy

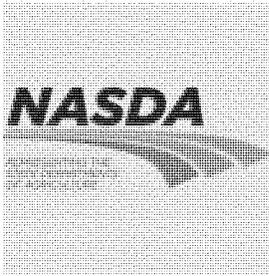


Neil Dierks, Chief Executive Officer

Neil Dierks is Chief Executive Officer of the National Pork Producers Council (NPPC). In this position, he is responsible for the overall implementation of all NPPC programs. Dierks' position requires him to spend time in both Des Moines, Iowa, the national office of NPPC, and Washington, D.C.

Beginning in 1990, Dierks served NPPC in a series of senior executive positions, including Executive Director of Operations, Vice President for Research and Education and Senior Vice President for Programs. Prior to his service with NPPC, Dierks was the Special Activities Director for the Iowa Pork Producers Association and Marketing Director for the Iowa Corn Promotion Board.

Neil grew up on a livestock farm in eastern Iowa and remains involved in a family farming operation. He is a graduate of Iowa State University.



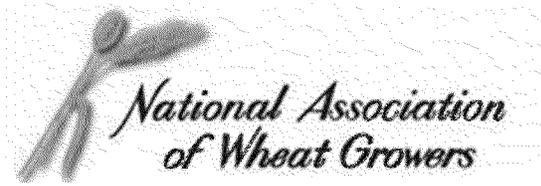
Dr. Barbara Glenn recently joined the National Association of State Departments of Agriculture (NASDA) as CEO on August 18, 2014.

NASDA is a nonpartisan, nonprofit association which represents the elected and appointed commissioners, secretaries, and directors of the departments of agriculture in all fifty states and four U.S. territories.

Dr. Glenn is a scientist with decades of experience as a policy researcher and advocate for agriculture. She previously served as Senior Vice President of Science and Regulatory Affairs for CropLife America, where she was responsible for developing policies and regulations to support agriculture through crop protection. Prior to joining CropLife America, Dr. Glenn served as Managing Director of the Animal Biotechnology, Food and Agriculture Section of the Biotechnology Industry Association in Washington, DC.

Dr. Glenn holds a B.S. in animal science and a Ph.D. in ruminant nutrition from the University of Kentucky. She previously worked for the U.S. Department of Agriculture, Agricultural Research Service and the Federation of Animal Science Societies.

Born in Lincoln, Nebraska and raised in Centerville, Ohio, Dr. Glenn developed a passion for agriculture from her parents and her involvement in 4-H. She lives; Ex. 6 - Personal Privacy and serves on various boards for farm bureau and 4-H.



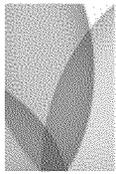
Chandler Goule

CEO

Chandler Goule assumed his responsibilities as CEO of the National Association of Wheat Growers on July 5, 2016. In addition, he also serves as the executive director of the National Wheat Foundation.

Most recently, Goule served as senior vice president of programs at the National Farmers Union (NFU) where he was heavily involved in farm bill legislation.

Originally from Texas, Goule holds degrees from Texas A&M and George Washington University and served as a subcommittee staff director for the House Agriculture Committee before moving to the National Farmers Union in 2009 as vice president of government relations. He was appointed senior vice president of NFU programs in 2014.



The Fertilizer Institute

Nourish, Replenish, Grow

BIOGRAPHY OF CHRISTOPHER JAHN

President

The Fertilizer Institute and the Nutrients for Life Foundation

Christopher L. Jahn is president of The Fertilizer Institute (TFI), the fertilizer industry's national trade association. As TFI president, Jahn works to represent, promote and protect a sound fertilizer industry through legislative and regulatory activities and to promote a favorable public image of the fertilizer industry and agriculture. Jahn also serves as president of the Nutrients for Life Foundation (NFL).

Jahn comes to TFI having served as president of the National Association of Chemical Distributors (NACD) since 2006. Prior to leading NACD, Jahn served as president of the Contract Services Association (CSA).

Before joining CSA, Jahn had an active role in the United States Senate working for nearly 10 years for U.S. Senator Craig Thomas (R-Wyo.) in a variety of roles, including legislative assistant, legislative director and Chief of Staff.

After graduating from Columbia University with a B.A. in Political Science, Jahn co-founded a book distribution business. He also earned an MBA from the University of Maryland.

A native of Wyoming, Chris and his wife,

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202.962.0490
202.962.0577 fax
www.tfi.org



Roger Johnson
President

Roger Johnson is president of the National Farmers Union (NFU), a grassroots organization that represents more than 200,000 family farmers, ranchers, fisherman and rural communities across the United States.

Johnson was elected to lead the family farm organization at NFU's 107th anniversary convention in 2009. He has since expanded the education department by providing more programs for beginning, college-aged and women farmers, increased the number of Farmers Union state divisions, and developed a strategic plan for the organization. Johnson has also overseen a number of important policy initiatives important to family farmers including: passage of the 2014 Farm Bill; maintaining a strong Renewable Fuel Standard and Country-of-Origin Labeling, promoting policies that allow farmers to address the growing threat of climate change; and renewing the nation's focus on eliminating an overwhelming trade deficit that results in lost jobs and prosperity for rural America.

Prior to leading National Farmers Union, Johnson, a third-generation family farmer from Turtle Lake, N.D., served as North Dakota Agriculture Commissioner, a position he was first elected to in 1996. While Agriculture Commissioner, Johnson served on the State Industrial Commission, the North Dakota Trade Office Advisory Board, and the State Board of Agricultural Research and Education, among many other boards and commissions.

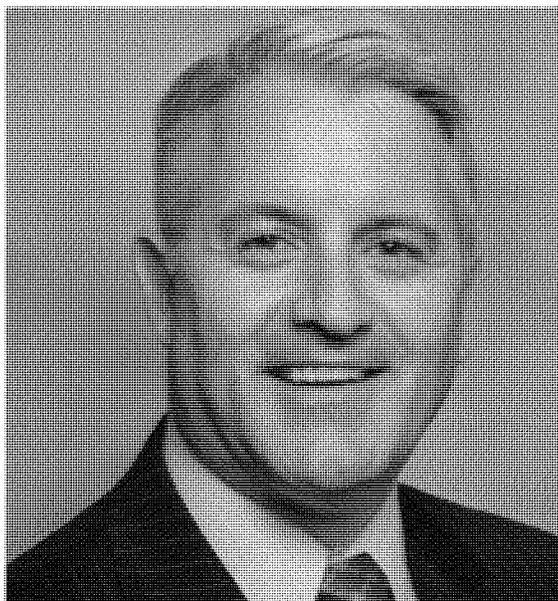
From 2007-2008, Johnson served as president of the National Association of State Departments of Agriculture (NASDA). He is a past president of the Midwestern Association of State Departments of Agriculture (MASDA), past president of the Food Export Association of the Midwest and a former chairman of the Interstate Pest Control Compact.

Johnson graduated from North Dakota State University with a degree in agricultural economics.

Johnson and his wife:

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Andrew W. "Andy" LaVigne President & CEO

Andrew W. LaVigne is currently the President and CEO of the American Seed Trade Association. He joined ASTA in February, 2006. Andy has had a 30-year career in government relations, industry representation, public affairs advocacy, and management. His core areas of expertise include agriculture, food policy and international trade.

Prior to joining ASTA, Andy was Executive Vice President/CEO of Florida Citrus Mutual, representing citrus growers on issues affecting their business. ~~Pre-joining Florida Citrus Mutual,~~ Andy spent four years as Florida Fertilizer and Agrichemical Association's (FFAA) President and Executive Director. FFAA is a non-profit, agricultural trade organization representing companies that specialize in crop protection and plant nutrition products.

Before his position at FFAA, Andy spent eight years in Washington, D.C. working in the U.S. Congress and the U.S. Department of Agriculture. He served as Legislative Director for Congressman Charles Canady, Agriculture Committee staffer for Congressman Tom Lewis, and on the staff of USDA Secretary Ed Madigan.

Andy is a native of Florida with a BA degree in Political Science, with a minor in economics, from the University of Florida.



**Biotechnology
Innovation
Organization**



Dana O'Brien

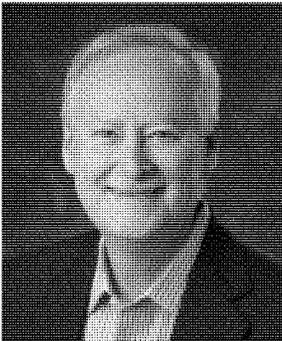
Executive Vice President, Food & Agriculture

Dana O'Brien is Executive Vice President for Food and Agriculture and is responsible for the development of public policy and strategic advocacy, public affairs, and legal strategies that advance industry and stakeholder objectives in the United States.

Prior to becoming EVP, Dana served as BIO Food and Agriculture's chief legislative advocate as Senior Director of Federal Government Relations since March 2011.

Before BIO, Dana worked in Congress for the late Representative Ike Skelton (D-MO) managing his legislative team and concentrating on a variety of agricultural, energy, and trade matters.

A native of Sedalia, Missouri, and a graduate of Missouri University with a bachelor's degree in psychology, Dana joined the Skelton team immediately out of college and served there for nearly 14 years.



Tom Stenzel
President and CEO
United Fresh Produce Association
1901 Pennsylvania Avenue NW, Suite 1100
Washington, DC 20006
202/303-3400
tstenzel@unitedfresh.org

Tom Stenzel is President and CEO of the United Fresh Produce Association, a position he has held since 1993. United Fresh is the pre-eminent trade association for the produce industry in shaping legislative and regulatory policies; providing scientific and technical leadership in food safety and nutrition; and developing educational programs for its members. Founded in 1904, United Fresh represents the interests of companies from small family businesses to the largest international corporations throughout the global fresh produce supply chain.

United Fresh is widely known for its work in government affairs, agricultural policy, food safety and nutrition, working to promote political and environmental change to help the next generation of children double their consumption of fresh produce. The United Fresh Start Foundation is committed to increasing children's access to fresh fruits and vegetables, and is a founding partner of the *Let's Move Salad Bars to Schools* campaign. The campaign has donated salad bars to more than 6,000 schools across the country.

Tom is a frequent speaker on industry issues and has been recognized often by the produce industry throughout his career. He was honored as the 2002 *Produce Man of the Year* by *The Packer* newspaper, and is the past Chairman of the International Federation for Produce Standards, a global body representing national produce associations around the world.

He is a member of the U.S. Chamber of Commerce Committee of 100 leading association executives, the Advisory Board of the International Food Protection Training Institute, and the Key Industry Associations Committee of the American Society of Association Executives, from which he achieved the Certified Association Executive (CAE) designation in 1990. He has served in many government and industry leadership positions, including the first U.S. Department of Agriculture Fruit and Vegetable Industry Advisory Committee, President George W. Bush's Transition Advisory Team for Agriculture, and as an advisor on the U.S. Agricultural Policy Advisory Committee for Trade.

Tom was the founding President of the International Food Information Council (IFIC) in 1986, and was previously director of public affairs for the National Soft Drink Association. Tom is a 1977 graduate of the University of Richmond.



Jay Vroom has served as President and CEO of the trade association known as CropLife America (CLA) since 1989. CLA is the leading U.S. trade group for the crop protection industry in the U.S.

Vroom is a founding member of the CropLife Foundation, serving as chairman since its inception in 2001, and now serves as the Foundation's Vice-Chair, since 2015.

His sits of the Board of Directors for the Agricultural Retailers Association, Asmark, National Wheat Foundation, the National Association of Manufacturers Council of Manufacturing Associations, and the Soil Health Institute. He is also a member of the Farm Foundation Roundtable Steering Committee, and the North American Climate Smart Ag Alliance Steering Committee.

Vroom was a member of the youth organization, Future Farmers of America, and served as an elected state officer in Illinois. Today, he is a member of the FFA Foundation's Individual Giving Council and Board of Trustees.

Vroom co-chairs the Coalition for the Advancement of Precision Agriculture and the CEO Council.

He is a member of the Friends of the National Arboretum (FONA) FONA Council.

He graduated with honors from the College of Agriculture, Consumer and Environmental Sciences at the University of Illinois Urbana-Champaign. Vroom was raised on a grain and livestock farm in north-central Illinois and continues to own the farming operation.



Elizabeth Ward

Betsy Ward was appointed President & CEO of the USA Rice Federation in 2007. From 2003-2005, Ward was the Vice President of International and Domestic Promotion at USA Rice where she was in charge of developing and implementing domestic and international promotion, and food aid programs.

From 2005-2007, Ward served as the chief executive for the Hardwood Federation, a trade association representing over 15,000 hardwood producers across the United States. From 1995 to 2003, she ran the Wood Products International Group at the American Forest & Paper Association, directing the wood trade policy and global forestry agenda for the industry.

In 2011, Ward was elected Chairman of the U.S. Agricultural Export Development Council (USAEDC) which represents the interests of more than 80 commodity organizations who grow and process a wide variety of U.S. agricultural products. She currently serves as Past Chair. Since 2011, Ward has also served on the Board of Directors of the Sustainable Fisheries Partnership, an independent non-governmental organization (NGO) working to ensure healthy marine and aquatic ecosystems; secure seafood supplies; and a thriving, responsible seafood economy.

Ward served for six years as a cleared advisor on the Industry Trade Advisory Committee for forest and paper products (ITAC-7) and was appointed forest products representative to USDA's Agricultural Policy Advisory Committee (APAC) in 2001.

Ward holds a Bachelor's degree in History and Political Science from the University of New Hampshire and a Master's degree in International Security Affairs from the School of International Affairs at Columbia University.

To: Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
From: Rebeckah Adcock
Sent: Thur 3/30/2017 4:10:52 PM
Subject: FW: FINAL CEO Council Meeting Agenda and Materials
[Pruitt Meeting Materials.pdf](#)
[ATT00001.htm](#)

FYI – final materials for today’s meeting.

Reb

From: "Mary Jo Tomalewski" <mjtomalewski@croplifeamerica.org>
To: "Hupp, Sydney" <hupp.sydney@epa.gov>
Cc: "Jay Vroom" <JVroom@croplifeamerica.org>
Subject: FINAL Meeting Agenda and Materials

Sydney,

We have refined our proposed topics for today’s CEO Council meeting with the administrator. Attached, please find:

- Revised “Final Proposed Agenda Topics,” which includes the list of those CEO Council members who will attend our meeting today, and their short bios
- Introduction / Mission Overview of the CEO Council
- CEO Council Letter to President Trump, dated February 9, 2017

We assume we can skip a formal “round table of introductions” at the beginning of the meeting as our time is short and we want to maximize time spent talking about issues.

MJ

Mary Jo Tomalewski

Executive Assistant to the President & CEO

CropLife America

1156 15th Street, NW

Suite 400

Washington, DC 20005

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Fax (202) 466-5832

Email mjtomalewski@croplifeamerica.org

Web www.croplifeamerica.org



How can I serve you today?

Future Meetings

2017 Spring Regulator Conference – April 6-7, Arlington, VA

2017 Annual Meeting – September 22-27, Dana Point, CA

2018 Winter Board of Directors Meeting – March 5-7, Washington, DC

2018 Annual Meeting – September 21-26, The Ritz-Carlton Amelia Island

FINAL PROPOSED AGENDA TOPICS

Meeting Information: Office of EPA Administrator Scott Pruitt
 1200 Pennsylvania Avenue, NW
 Washington, DC
 Thursday, March 30, 2017 3:45-4:30 PM

Topic
1. <u>Thanks to Trump Administration and Administrator Pruitt for <u>early decisive</u> actions:</u>
a. WOTUS
b. Chlorpyrifos Petition
2. <u>Top Priority Issues</u>
a. Ag Advisor Position – We recommend adding additional title of “Assistant Deputy Administrator” as a title
b. Water
i. Next steps to refine / clarify beyond WOTUS
ii. NPDES permits (CAFO Program needs work; legislation to fix water permits NOT needed for lawful use of pesticides)
c. Pesticides Policy
i. Endangered Species Act conflicts with Pesticide Regulation and Biotech Regulation
ii. Epidemiology Study Policy (as aftermath from Chlorpyrifos matter)
iii. Reform Certification & Training and Worker Protection Rules – Suspend implementation and revise
d. Renewable Fuels Standard – current program kept consistent
e. Communication / Messaging / Opinion Polling – vital to all parties’ ability to advance sound policy
f. EPA and USDA Cooperation and Coordination – Already vast progress; <u>more</u> can be done!
g. Environmental Justice, Research & Development, and Children’s Health Offices – Better integration with and reform of EPA program offices; sound science
h. Regulation of Manufacturing & Mining Facilities for Ag Inputs – Restore science and process
i. Public and Science Advisory Panels at EPA – Balance, strategic agendas
j. “Air Emissions” from farming operations

CEO Attendees

American Seed Trade Association	Andrew “Andy” LaVigne, President and CEO
American Soybean Association	Steve Censky, Chief Executive Officer (Co-Chair)
Biotechnology Innovation Organization	Dana O’Brien, Executive Vice President
CropLife America	Jay Vroom, President and CEO (Co-Chair)
The Fertilizer Institute	Chris Jahn, President
National Association of Wheat Growers	Chandler Goule, CEO
National Corn Growers Association	Chris Novak, CEO (Co-Chair)
National Cotton Council	Gary Adams, President and CEO
National Council of Farmer Cooperatives	Chuck Conner, President and CEO
National Pork Producers Council	Neil Dierks, CEO
United Fresh Produce Association	Tom Stenzel, President and CEO
USA Rice Federation	Betsy Ward, President & CEO
National Association of State Departments of Agriculture	Barb Glenn, CEO, ex-officio

Others

American Farm Bureau Federation	Dale Moore, Deputy Executive Director
Corn Refiners Association	John Bode, President & CEO
National Farmers Union	Rob Larew, Senior VP

Production Agriculture's CEO Council

Introduction/Mission Statement: The production agriculture "CEO Council" coordinates alignment on core issues of modern agricultural systems through telling our story, sharing information and leveraging our strengths, while serving as a resource for government decision makers and others interested in USA food, fiber and renewable fuels.

Core Focus of Interest

- Research and innovation
- Technology access
- Science and risk-based regulation
- Sustainability, environment, and weather
- Marketability, trade, and economic prosperity
- Government leadership and partnership with private sector
- Food access and food safety
- Plant and animal health
- Ag labor

The Council supports (principles/themes):

- Accelerating rural economic growth and improving productivity through innovation and technology
- Promoting research and innovation that enables development of tools and techniques necessary for discovering new products that hold tremendous potential for farmers and society at large
- Enabling a regulatory and commercial environment in which agricultural products are marketable, both domestically and internationally
- Appropriate balance between Federal and State Governments and a cooperative regulatory approach
- Access to essential labor in balance with an effective Federal immigration policy and adequate worker safety protections
- Support for all methods of agricultural production
- Transparency and dialogue with consumers

Members of the CEO Council (see reversed)

CEO Council Members

American Farm Bureau	Vincent “Zippy” Duvall, President
American Seed Trade Association	Andrew “Andy” LaVigne, President and CEO
American Soybean Association	Steve Censky, Chief Executive Officer (Co-Chair)
Biotechnology Innovation Organization	Dana O’Brien, Executive Vice President
CropLife America	Jay Vroom, President and CEO (Co-Chair)
The Fertilizer Institute	Chris Jahn, President
National Association of Wheat Growers	Chandler Goule, CEO
National Cattlemen’s Beef Association	Kendal Frazier, CEO
National Chicken Council	Michael Brown, President
National Corn Growers Association	Chris Novak, CEO (Co-Chair)
National Cotton Council	Gary Adams, President and CEO
National Council of Farmer Cooperatives	Chuck Conner, President and CEO
National Farmers Union	Roger Johnson, President
National Milk Producers Federation	Jim Mulhern, President and CEO
National Pork Producers Council	Neil Dierks, CEO
United Fresh Produce Association	Tom Stenzel, President and CEO
USA Rice Federation	Betsy Ward, President & CEO
National Association of State Departments of Agriculture	Barb Glenn, CEO, ex-officio

February 9, 2017

The President
The White House
Washington, D.C. 20500

Dear Mr. President,

We, the CEO Council (undersigned herein), representing the production agricultural value chain, including many agricultural producers and farm input developers and suppliers, look forward to working with you and your Administration on matters of importance to American agriculture.

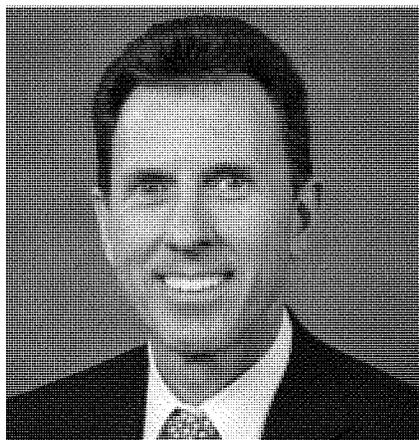
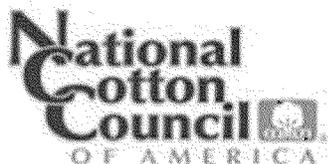
The challenges we face in agriculture are significant. Many experts emphasize that producers must grow as much food in the next 50 years as was produced over all previous history to meet the demands of our expanding global population. A firm commitment by the U.S. government to aggressively support agricultural innovation and science-based regulatory decisions will be necessary to ensure farmers have the tools they need to produce a safe and abundant supply of nutritious food, in addition to feed, fuel and fiber, in an environmentally sound and sustainable manner.

The policy and regulatory environment your Administration establishes can ensure that agricultural innovation flourishes and American farmers are able to meet the food production goals necessary to feed billions more people. We are ready to provide the White House and the Executive Branch Departments and Agencies, as well as Congress, with policy concepts that foster stability in the U.S. agriculture economy with a strong and predictable farm safety net and promotes American competitiveness through research; marketability and trade of agricultural commodities; rural economic growth; and plant, animal, and environmental health, among many other things.

We appreciate your attention to these and other issues of value to American production agriculture and food consumers everywhere.

Sincerely,

American Farm Bureau Foundation, Zippy Duvall
American Seed Trade Association, Andy LaVigne
American Soybean Association, Steve Censky
Biotechnology Innovation Organization, Dana O'Brien
CropLife America, Jay Vroom
The Fertilizer Institute, Chris Jahn
National Association of Wheat Growers, Chandler Goule
National Cattlemen's Beef Association, Kendal Frazier
National Corn Growers Association, Chris Novak
National Cotton Council, Gary Adams
National Council of Farmer Cooperatives, Chuck Conner
National Farmers Union, Roger Johnson
National Milk Producers Federation, Jim Mulhern
National Pork Producers Council, Neil Dierks
United Fresh Produce Association, Tom Stenzel
USA Rice Federation, Betsy Ward



Gary M. Adams
President and Chief Executive Officer
National Cotton Council of America

Gary Adams assumed the position of President and Chief Executive Officer of the National Cotton Council in February 2015. He plays a key role in guiding the industry's seven segments to reach consensus on critical policies affecting U.S. cotton, with the mission of helping all U.S. cotton industry segments compete effectively and profitably in global markets.

Prior to that, Gary served the Council for 13 years as the Vice President of Economic and Policy Analysis. As the Council's chief economist, he provided economic outlooks for global cotton markets, as well as analyzing the impacts of farm and trade policies.

Gary also represents the U.S. cotton industry as a member of USDA's Agricultural Policy Advisory Committee. Previously, Gary served on USDA's Advisory Committee on Trade from 2005 through 2011 and the NASS Advisory Committee on Agricultural Statistics from 2003 through 2009.

Prior to joining the Council, Gary was a Research Assistant Professor in the Department of Agricultural Economics at the University of Missouri. During his 13-year tenure at the university, Gary's primary responsibilities included policy analysis and market outlook for the Food and Agricultural Policy Research Institute, also known as FAPRI. While at FAPRI, Gary and his colleagues were recognized by the American Agricultural Economics Association for their distinguished policy contributions.

Gary has B.S. and M.A. degrees in Applied Mathematics from the University of Alabama and a Ph.D. in Agricultural Economics from the University of Missouri. Gary and his wife,

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Stephen L. Censky

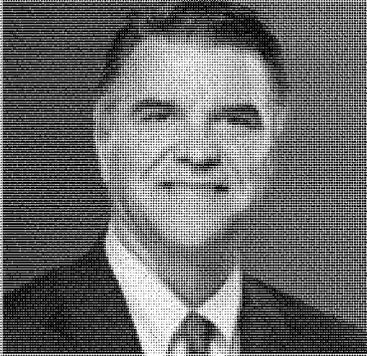
Chief Executive Officer

Stephen L. Censky is the American Soybean Association's (ASA) Chief Executive Officer, a staff position he accepted in April 1996. As ASA's top executive, Censky is in charge of managing ASA's legislative, trade policy, membership and education and training programs.

The American Soybean Association is a national, not-for-profit commodity organization with over 22,000 members. ASA works as the domestic and international policy advocate for soybean producer members.

Prior to joining ASA, Censky worked in Washington, D.C. for over a decade. He began his career on Capitol Hill as a legislative assistant for agricultural and transportation matters to Senator Jim Abdnor (R-SD). Later he served in both the Reagan and Bush Administrations at the U.S. Department of Agriculture, helping to craft the 1990 Farm Bill and eventually serving as Administrator of the Foreign Agricultural Service where he was involved in global trade negotiations and running our nation's export programs.

Censky received his Bachelor's of Science degree of Agriculture from South Dakota State University and his Master's Diploma in Agriculture Studies from the University of Melbourne, Australia.



Charles F. (Chuck) Conner

***President and CEO
National Council of Farmer Cooperatives***

Charles F. (Chuck) Conner became president & CEO of the National Council of Farmer Cooperatives (NCFC) on January 22, 2009. As president of NCFC, Conner will oversee the organization's work to promote and protect the business and public policy interests of America's farmer-owned cooperatives. He will also provide the strategic vision for the trade association as it continues to seek new ways in which to add value for its membership.

Prior to joining NCFC, Conner had served as the Deputy Secretary at the U.S. Department of Agriculture since mid-2005. In this capacity, he was the Chief Operating Officer (COO) overseeing day-to-day operations of the department. Conner interacted directly with President George W. Bush and his senior staff to formulate domestic and international food, trade, security and energy policy. He led development of the Bush Administration's \$300 billion Farm Bill proposal and the strategy to educate and inform industry, constituents and Congress.

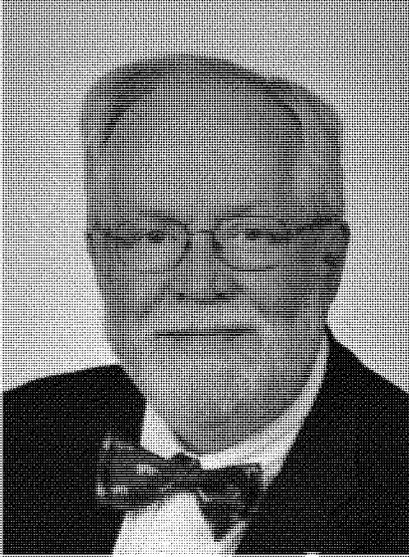
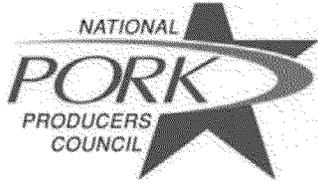
From August 2007 to January 2008, Conner served as both USDA Secretary and Deputy Secretary. He played a key role in developing the Administration's immigration policy including important changes to the H2A program.

Conner's experience also includes the assignment of Special Assistant to the President, Executive Office of the President, from October 2001 to May 2005, working on the 2001/2 Farm Bill to develop the strategy behind the transfer of several USDA agency functions to the newly formed Department of Homeland Security.

From May 1997 to October 2001 Conner served as President of the Corn Refiners Association. He also served for 17 years as an advisor to U.S. Senator Richard Lugar of Indiana.

Conner is a graduate of Purdue University, with a Bachelor's of Science degree and is the recipient of Purdue's Distinguished Alumni Award. He and his wife

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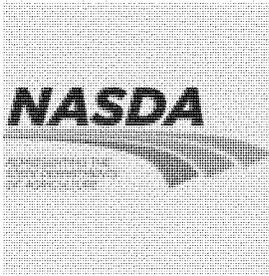


Neil Dierks, Chief Executive Officer

Neil Dierks is Chief Executive Officer of the National Pork Producers Council (NPPC). In this position, he is responsible for the overall implementation of all NPPC programs. Dierks' position requires him to spend time in both Des Moines, Iowa, the national office of NPPC, and Washington, D.C.

Beginning in 1990, Dierks served NPPC in a series of senior executive positions, including Executive Director of Operations, Vice President for Research and Education and Senior Vice President for Programs. Prior to his service with NPPC, Dierks was the Special Activities Director for the Iowa Pork Producers Association and Marketing Director for the Iowa Corn Promotion Board.

Neil grew up on a livestock farm in eastern Iowa and remains involved in a family farming operation. He is a graduate of Iowa State University.



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Dr. Glenn holds a B.S. in animal science and a Ph.D. in ruminant nutrition from the University of Kentucky. She previously worked for the U.S. Department of Agriculture, Agricultural Research Service and the Federation of Animal Science Societies.

Born in Lincoln, Nebraska and raised in Centerville, Ohio, Dr. Glenn developed a passion for agriculture from her parents and her involvement in 4-H. She lives on a small farm in Maryland with her husband Ex. 6 - Personal Privacy and serves on various boards for farm bureau and 4-H.



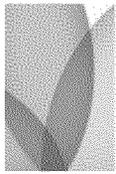
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Originally from Texas, Goule holds degrees from Texas A&M and George Washington University and served as a subcommittee staff director for the House Agriculture Committee before moving to the National Farmers Union in 2009 as vice president of government relations. He was appointed senior vice president of NFU programs in 2014.



The Fertilizer Institute

Nourish, Replenish, Grow

BIOGRAPHY OF CHRISTOPHER JAHN

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A native of Wyoming, Chris and his wife

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Roger Johnson
President

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Prior to leading National Farmers Union, Johnson, a third-generation family farmer from Turtle Lake, N.D., served as North Dakota Agriculture Commissioner, a position he was first elected to in 1996. While Agriculture Commissioner, Johnson served on the State Industrial Commission, the North Dakota Trade Office Advisory Board, and the State Board of Agricultural Research and Education, among many other boards and commissions.

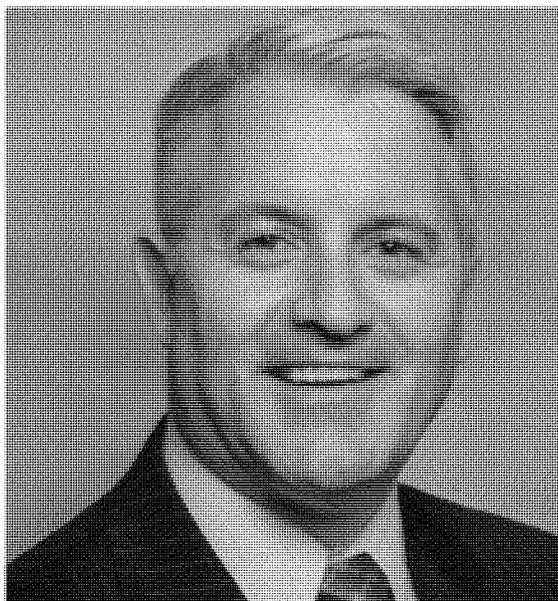
From 2007-2008, Johnson served as president of the National Association of State Departments of Agriculture (NASDA). He is a past president of the Midwestern Association of State Departments of Agriculture (MASDA), past president of the Food Export Association of the Midwest and a former chairman of the Interstate Pest Control Compact.

Johnson graduated from North Dakota State University with a degree in agricultural economics.

Johnson and his wife,

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy



Andrew W. "Andy" LaVigne President & CEO

Andrew W. LaVigne is currently the President and CEO of the American Seed Trade Association. He joined ASTA in February, 2006. Andy has had a 30-year career in government relations, industry representation, public affairs advocacy, and management. His core areas of expertise include agriculture, food policy and international trade.

Prior to joining ASTA, Andy was Executive Vice President/CEO of Florida Citrus Mutual, representing citrus growers on issues affecting their business. ~~Pre-joining Florida Citrus Mutual,~~ Andy spent four years as Florida Fertilizer and Agrichemical Association's (FFAA) President and Executive Director. FFAA is a non-profit, agricultural trade organization representing companies that specialize in crop protection and plant nutrition products.

Before his position at FFAA, Andy spent eight years in Washington, D.C. working in the U.S. Congress and the U.S. Department of Agriculture. He served as Legislative Director for Congressman Charles Canady, Agriculture Committee staffer for Congressman Tom Lewis, and on the staff of USDA Secretary Ed Madigan.

Andy is a native of Florida with a BA degree in Political Science, with a minor in economics, from the University of Florida.



**Biotechnology
Innovation
Organization**



Dana O'Brien

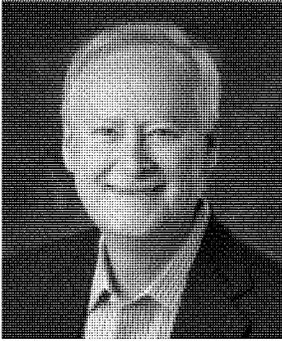
Executive Vice President, Food & Agriculture

Dana O'Brien is Executive Vice President for Food and Agriculture and is responsible for the development of public policy and strategic advocacy, public affairs, and legal strategies that advance industry and stakeholder objectives in the United States.

Prior to becoming EVP, Dana served as BIO Food and Agriculture's chief legislative advocate as Senior Director of Federal Government Relations since March 2011.

Before BIO, Dana worked in Congress for the late Representative Ike Skelton (D-MO) managing his legislative team and concentrating on a variety of agricultural, energy, and trade matters.

A native of Sedalia, Missouri, and a graduate of Missouri University with a bachelor's degree in psychology, Dana joined the Skelton team immediately out of college and served there for nearly 14 years.



Tom Stenzel
President and CEO
United Fresh Produce Association
1901 Pennsylvania Avenue NW, Suite 1100
Washington, DC 20006
202/303-3400
tstenzel@unitedfresh.org

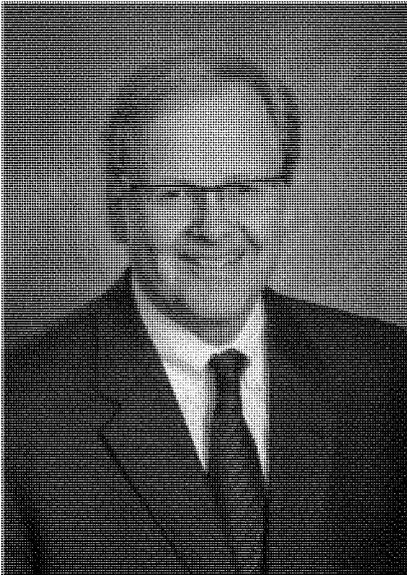
Tom Stenzel is President and CEO of the United Fresh Produce Association, a position he has held since 1993. United Fresh is the pre-eminent trade association for the produce industry in shaping legislative and regulatory policies; providing scientific and technical leadership in food safety and nutrition; and developing educational programs for its members. Founded in 1904, United Fresh represents the interests of companies from small family businesses to the largest international corporations throughout the global fresh produce supply chain.

United Fresh is widely known for its work in government affairs, agricultural policy, food safety and nutrition, working to promote political and environmental change to help the next generation of children double their consumption of fresh produce. The United Fresh Start Foundation is committed to increasing children's access to fresh fruits and vegetables, and is a founding partner of the *Let's Move Salad Bars to Schools* campaign. The campaign has donated salad bars to more than 6,000 schools across the country.

Tom is a frequent speaker on industry issues and has been recognized often by the produce industry throughout his career. He was honored as the 2002 *Produce Man of the Year* by *The Packer* newspaper, and is the past Chairman of the International Federation for Produce Standards, a global body representing national produce associations around the world.

He is a member of the U.S. Chamber of Commerce Committee of 100 leading association executives, the Advisory Board of the International Food Protection Training Institute, and the Key Industry Associations Committee of the American Society of Association Executives, from which he achieved the Certified Association Executive (CAE) designation in 1990. He has served in many government and industry leadership positions, including the first U.S. Department of Agriculture Fruit and Vegetable Industry Advisory Committee, President George W. Bush's Transition Advisory Team for Agriculture, and as an advisor on the U.S. Agricultural Policy Advisory Committee for Trade.

Tom was the founding President of the International Food Information Council (IFIC) in 1986, and was previously director of public affairs for the National Soft Drink Association. Tom is a 1977 graduate of the University of Richmond.



Jay Vroom has served as President and CEO of the trade association known as CropLife America (CLA) since 1989. CLA is the leading U.S. trade group for the crop protection industry in the U.S.

Vroom is a founding member of the CropLife Foundation, serving as chairman since its inception in 2001, and now serves as the Foundation's Vice-Chair, since 2015.

His sits of the Board of Directors for the Agricultural Retailers Association, Asmark, National Wheat Foundation, the National Association of Manufacturers Council of Manufacturing Associations, and the Soil Health Institute. He is also a member of the Farm Foundation Roundtable Steering Committee, and the North American Climate Smart Ag Alliance Steering Committee.

Vroom was a member of the youth organization, Future Farmers of America, and served as an elected state officer in Illinois. Today, he is a member of the FFA Foundation's Individual Giving Council and Board of Trustees.

Vroom co-chairs the Coalition for the Advancement of Precision Agriculture and the CEO Council.

He is a member of the Friends of the National Arboretum (FONA) FONA Council.

He graduated with honors from the College of Agriculture, Consumer and Environmental Sciences at the University of Illinois Urbana-Champaign. Vroom was raised on a grain and livestock farm in north-central Illinois and continues to own the farming operation.



Elizabeth Ward

Betsy Ward was appointed President & CEO of the USA Rice Federation in 2007. From 2003-2005, Ward was the Vice President of International and Domestic Promotion at USA Rice where she was in charge of developing and implementing domestic and international promotion, and food aid programs.

From 2005-2007, Ward served as the chief executive for the Hardwood Federation, a trade association representing over 15,000 hardwood producers across the United States. From 1995 to 2003, she ran the Wood Products International Group at the American Forest & Paper Association, directing the wood trade policy and global forestry agenda for the industry.

In 2011, Ward was elected Chairman of the U.S. Agricultural Export Development Council (USAEDC) which represents the interests of more than 80 commodity organizations who grow and process a wide variety of U.S. agricultural products. She currently serves as Past Chair. Since 2011, Ward has also served on the Board of Directors of the Sustainable Fisheries Partnership, an independent non-governmental organization (NGO) working to ensure healthy marine and aquatic ecosystems; secure seafood supplies; and a thriving, responsible seafood economy.

Ward served for six years as a cleared advisor on the Industry Trade Advisory Committee for forest and paper products (ITAC-7) and was appointed forest products representative to USDA's Agricultural Policy Advisory Committee (APAC) in 2001.

Ward holds a Bachelor's degree in History and Political Science from the University of New Hampshire and a Master's degree in International Security Affairs from the School of International Affairs at Columbia University.

To: Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Dravis, Samantha
Sent: Thur 3/30/2017 2:52:38 PM
Subject: RE: FYI. Epa's use of epidemiology

Ex. 5 - Deliberative Process

From: McGartland, Al
Sent: Thursday, March 30, 2017 10:43 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FYI. Epa's use of epidemiology

Samantha asked that I send you a note about ongoing activities on the use of epidemiology in risk assessment. (This came up in the chlorpyrifos discussions).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sent from my iPhone

From: Flowers, Lynn
Sent: Thursday, March 30, 2017 9:00 AM
To: Axelrad, Daniel <Axelrad.Daniel@epa.gov>; Dockins, Chris <Dockins.Chris@epa.gov>; Klemick, Heather <Klemick.Heather@epa.gov>
Cc: McQueen, Jacqueline <McQueen.Jacqueline@epa.gov>
Subject: cross-EPA epi discussion

Hi all:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks!

Lynn

Lynn Flowers, PhD, DABT

Associate Director for Science

Office of Science Policy

US EPA

Washington, DC

202-564-6293

To: Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
From: McGartland, Al
Sent: Thur 3/30/2017 2:42:33 PM
Subject: FYI. Epa's use of epidemiology

Samantha asked that I send you a note about ongoing activities on the use of epidemiology in risk assessment. (This came up in the chlorpyrifos discussions).

Ex. 5 - Deliberative Process

Sent from my iPhone

From: Flowers, Lynn
Sent: Thursday, March 30, 2017 9:00 AM
To: Axelrad, Daniel <Axelrad.Daniel@epa.gov>; Dockins, Chris <Dockins.Chris@epa.gov>; Klemick, Heather <Klemick.Heather@epa.gov>
Cc: McQueen, Jacqueline <McQueen.Jacqueline@epa.gov>
Subject: cross-EPA epi discussion

Hi all:

Ex. 5 - Deliberative Process

Thanks!

Lynn

Lynn Flowers, PhD, DABT

Associate Director for Science

Office of Science Policy

US EPA

Washington, DC

202-564-6293

To: Brown, Byron[brown.byron@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 8:47:16 PM
Subject: FW: For Ray Review: Updated Release w USDA Quote

Byron:

This is ready to go. Any last minute changes?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

He said go with it, I think. Text him

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:44 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

It may not, I just was double checking. I think JP is editing it now, but we have it t-ed up and ready to go out, as soon as JP gives the go.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:43 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:03 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add "With Support from USDA, Admin...." Into the headline, to show it's a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Jackson, Ryan[jackson.ryan@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov];
Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown,
Byron[brown.byron@epa.gov]
From: Schwab, Justin
Sent: Sun 3/26/2017 10:23:36 PM
Subject: 2017 Consent Decree table 2.16.17.docx
2017 Consent Decree table 2.16.17.docx
ATT00001.txt

2017 Consent Decree, Settlement Agreement and Court Ordered Deadlines
February 16, 2017

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Sent from my iPhone

To: Weekly Report Group[Weekly_Report_Group@epa.gov]
Cc: Schwab, Justin[schwab.justin@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Amanda[gunasekara.amanda@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Albores, Richard[Albores.Richard@epa.gov]; Trudeau, Shaun[Trudeau.Shaun@epa.gov]; Prabhu, Aditi[Prabhu.Aditi@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]
From: Minoli, Kevin
Sent: Fri 3/24/2017 12:58:52 AM
Subject: OGC Weekly Report
[OGC Weekly Report 3.23.17.docx](#)

Attached is OGC's Weekly Report. Also available upon request are the following:

1. List of litigation deadlines for the next 90 days
2. Detailed list of litigation and similar deadlines over the next two weeks
3. Court ordered, settlement, and consent decree deadlines through 2017

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

OGC Weekly Report

Upcoming Public Events in the Next Two Weeks

3/27 COS Jackson, OGC, OP, and OAR meeting with representatives from Murray Energy

Upcoming Major Deadlines in the Next Two Weeks

Ex. 5 - Deliberative Process, Attorney-Client Privilege

Last Week Highlights

- Thirty OGC employees volunteered to answer EPA's main line in response to increased call volume
- The Federal Laboratory Consortium selected scientists from ORD and attorneys from OGC to receive an award for their efforts to invent, patent, and then make available "NoMonia," which removes ammonia and other pollutants from water
- Court order requiring EPA to complete 13 risk and technology reviews, seven by 12/31/18 and six by 6/30/20 issued in *Blue Ridge Environmental Defense League v. Pruitt*
- Supreme Court rejected US position and further limited President's ability to nominate an individual for a PAS position and have that individual serve in that position on an acting basis

To: Minoli, Kevin[Minoli.Kevin@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Dolph, Becky
Sent: Thur 3/16/2017 11:09:35 PM
Subject: Selected Incoming FOIA Requests -- week of 3/13/2017
[Selected FOIA Requests. general. 03.13.2017.docx](#)

Ex. 5 - Attorney Client & Deliberative Process

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To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Jackson, Ryan
Sent: Tue 3/14/2017 9:36:43 AM
Subject: Re: Regulatory Hot Topics for 3/14

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Mar 14, 2017, at 5:31 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 13, 2017, at 10:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

What's a full denial? You either do or you don't.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Mar 13, 2017, at 8:50 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Rees, Sarah
Sent: Monday, March 13, 2017 6:23 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>

Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Subject: Regulatory Hot Topics for 3/14

Hi Samantha – here are the new regulatory hot topics for tomorrow. I haven't brought up items already discussed and in need of follow-up. Also there are other items in queue for Administrator signature, but they are not immediately pressing, so I'm not raising here.

Ex. 5 - Deliberative Process

Chlorpyrifos

- Need to know that there is a final decision on the petition – OMB is asking and wants interagency review if we do anything other than a full denial

- Need to know when OCSPP will have a revised package ready reflective of this decision so we can meet the 3/31 deadline

Let me know if you need anything else.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Dravis, Samantha
Sent: Tue 3/14/2017 9:31:33 AM
Subject: Re: Regulatory Hot Topics for 3/14

Ex. 5 - Deliberative Process

Sent from my iPhone

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Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

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To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Jackson, Ryan
Sent: Tue 3/14/2017 2:16:48 AM
Subject: Re: Regulatory Hot Topics for 3/14

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Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

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Chlorpyrifos

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- [REDACTED] Need to know when OCSPP will have a revised package ready reflective of this decision so we can meet the 3/31 deadline

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Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacy (m)

To: Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Dravis, Samantha
Sent: Tue 3/14/2017 12:50:01 AM
Subject: FW: Regulatory Hot Topics for 3/14

Ex. 5 - Deliberative Process

From: Rees, Sarah
Sent: Monday, March 13, 2017 6:23 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
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Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)

To: Brown, Byron[brown.byron@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: McGartland, Al
Sent: Thur 3/9/2017 2:36:30 PM
Subject: Re: ACTION: CBO questions on HONEST Act of 2017

Hi. That would be very helpful. And I agree about OGC involvement as well.

There are also other science policy issues that EPA's previous comments raised, including the characterization of "best available science". One could make a case that if the data are not available so others can replicate and reproduce results then it doesn't qualify as "available". Chlorpyrifos is the latest example (Columbia Children's Center study)

There are other studies where no one can have access to the underlying data. We just had a upsetting case where we could not reproduce the results of a well-used economic study and I had to quickly change our Guidelines and tell program offices to stop using the study.

Sent from my iPhone

> On Mar 9, 2017, at 9:21 AM, Brown, Byron <brown.byron@epa.gov> wrote:

>

> Hi Al -- I took a look at this and think it also needs to be sent to OGC because of the bill language concerning access to nonpublic information (privacy and CBI/trade secrets) through confidentiality agreements. I will circle back with OCIR to ask that they give the new policy team a heads up about requests for technical assistance or CBO scoring so we are being consistent with the new administration's policy goals.

>

> Thanks.

>

> -----Original Message-----

> From: Dravis, Samantha

> Sent: Wednesday, March 8, 2017 6:40 PM

> To: McGartland, Al <McGartland.Al@epa.gov>

> Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>

> Subject: Re: ACTION: CBO questions on HONEST Act of 2017

>

> Byron and Justin: Can you review in my absence and approve?

>

> Sent from my iPhone

>

>> On Mar 8, 2017, at 6:34 PM, McGartland, Al <McGartland.Al@epa.gov> wrote:

>>

>> Dear Samantha,

>>

>> I am uncertain about what issues you want me to elevate, and if this isn't one of them, please do not hesitate to let me know.

>>

>> The Congressional Budget Office (CBO) has submitted some questions they need answered to score a bill H.R. xxxx, the HONEST Act of 2017 -- Marked up in House Science and Technology Cmte on 3/9/2017. I just received this with a deadline of noon tomorrow. The request for answers was sent to the Office of Research and Development and several program offices.

>>

>> First, you may find this document of interest because it contains responses from the previous Administration about a similar bill, S. 544, the Secret Science Reform Act of 2015. Responses in black in

the attached CBO Questions file were provided by EPA on May 28, 2015. The HONEST Act of 2017 and S. 544 are substantially similar. CBO has highlighted the .pdf file of the HONEST Act to indicate language additions that were not in S. 544. CBO has prepared new questions in red (see CBO Questions for EPA in attached word file) below for the HONEST Act and left EPA's old responses in black regarding S. 544 for context.

>>

>> I am happy to follow up with others (knowing you are on travel).

>>

>>

>>

>>

>>

>>

>> -----Original Message-----

>> From: Linkins, Samantha

>> Sent: Wednesday, March 08, 2017 6:11 PM

>> To: McGartland, AI <McGartland.AI@epa.gov>

>> Subject: FW: ACTION: CBO questions on HONEST Act of 2017

>> Importance: High

>>

>> Hi AI,

>>

>> Apologies if you've already gotten this from your folks. Lou D'amico said that you were involved in discussions last year about language in the secret science bill, so I just wanted to make sure that you were aware of CBO's questions about the HONEST Act. OCIR is looking for responses by noon tomorrow. If you have input and would like me to include it in what ORD sends back to OCIR, I'm happy to do that, but feel free to send any input you might have through whatever channels you usually go through - I just wanted to make sure you were aware of this.

>>

>> -Sam

>>

>> Samantha Linkins

>> Science Communication Specialist and Congressional Lead Office of

>> Research and Development, US EPA Washington, DC

>> Office: 202-564-1834

>> Cell: Ex. 6 - Personal Privacy

>>

>>

>> -----Original Message-----

>> From: Moody, Christina

>> Sent: Wednesday, March 08, 2017 2:57 PM

>> To: Linkins, Samantha <Linkins.Samantha@epa.gov>; Zarba, Christopher

>> <Zarba.Christopher@epa.gov>; Johnston, Khanna

>> <Johnston.Khanna@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>;

>> Mojica, Andrea <Mojica.andrea@epa.gov>

>> Cc: Williams, Thea <Williams.Thea@epa.gov>; Richardson, RobinH

>> <Richardson.RobinH@epa.gov>

>> Subject: ACTION: CBO questions on HONEST Act of 2017

>> Importance: High

>>

>> Good Afternoon,

>>

>> CBO has asked that the Agency provide feedback as they are in the process of scoring the HONEST Act of 2017. The House Science Cmte will be marking up the HONEST Act of 2017<<https://science.house.gov/legislation/markups/full-committee-markup-hr-honest-and-open-new-epa-science-treatment-act-2017>> tomorrow. It's very similar to but contains some additions relative to S.

544<<https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/s5440.pdf>>, which CBO reviewed in 2015 and for which EPA provide detailed feedback (thank you all for your efforts on that one!).

>>

>> Please find attached:

>>

>>

>> * Copy of HONEST Act, with additions compared to S. 544 highlighted in yellow

>>

>> o If there are amendments in the markup, I'll send those along too.

>>

>>

>> * CBO's new questions for EPA (in red), which are embedded within the answers provided by EPA for S. 544 (remaining in black). Hopefully, this will provide some context.

>>

>>

>>

>> * The House Science Cmte's report on S. 544, which contains the committee's intention for that legislation. EPA should assume that the committee's intention for how the HONEST Act will be implemented is the same as for S. 544.

>>

>>

>> I understand that this is a very broadly written bill that raises many thorny questions, and that there is great uncertainty, so thanks in advance to your teams for assisting with this request.

>>

>> Apologies for the tight deadline, but please have responses to OCIR no later than noon tomorrow. Again, many thanks in advance for your assistance!

>>

>>

>> Christina J. Moody

>> US Environmental Protection Agency

>> Moody.Christina@epa.gov

>>

>>

>> <CBO Questions for EPA, HONEST Act of 2017 3.8.2017.docx> <HONEST Act

>> SMITTX_010_xml.pdf> <S. 544 Committee Report Background.pdf>

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 6:38:53 PM
Subject: Reg Reform Officer and Task Force - Approval Needed
[Summary of Regulatory EOs.docx](#)
[Interim guidance on Reducing Regulations EO - Final Version 2-2-17.docx](#)
[EO 13777.pdf](#)
[EO 13771.pdf](#)
[Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing.docx](#)

Ryan,

Per our discussion over the past few days, the Executive Order on *Enforcing the Regulatory Reform Agenda* requires EPA to implement and enforce regulatory reform and alleviate unnecessary regulatory burdens.

As part of this Executive Order, EPA needs to designate an agency official as its Regulatory Reform Officer. In past administrations, this person has typically been the OP director. We will also need to establish a “Regulatory Reform Task Force.” Below are my suggestions for what we should send over to OMB, notifying them of these designations. Nothing else is required. On your green light, we will email OMB with the following.

Regulatory Reform Officer: Samantha Dravis

Regulatory Reform Task Force (subject to changes after new political appointees join):

- Byron Brown
- Brittany Bolen
- Samantha Dravis
- Ryan Jackson (Chairman) (you could change this if you like)

Thank you, Ryan.

From: Nickerson, William
Sent: Tuesday, March 7, 2017 3:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Shaw, Nena <Shaw.Nena@epa.gov>
Subject: electronic copies of materials from today's regulatory Executive Orders meeting

Samantha,

Please find attached the documents from today's meeting on the regulatory Executive Orders and the Presidential Memorandum.

In answer to your question about who to notify when the Regulatory Reform Officer has been designated, the Executive Order does not require that we notify anyone. However, based on prior experience, we would suggest that we notify two senior career staff at OMB (Dominic Mancini and Jim Laity) so they are aware of who was selected. We can take care of that once the selection has been made.

We would also suggest informing key political and career staff within EPA about the members of the Regulatory Reform Task Force.

Let me know if you need anything else, or have additional questions. Thank you.

Bill

William (Bill) Nickerson

Associate Office Director

Office of Regulatory Policy and Management

Office of Policy

Phone: (202) 566-0326

Regulatory Review Presidential Actions

President Trump recently took three general regulatory review actions. He issued two Executive Orders, *Reducing Regulations and Controlling Regulatory Cost* and *Enforcing the Regulatory Reform Agenda*. He also issued a Presidential Memorandum on *Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing*. Each of these requires related action on the part of EPA in identifying and reforming burdensome regulations; see the detailed summaries that follow. OP has the lead for all 3 initiatives.

Ex. 5 - Deliberative Process

Executive Order: *Enforcing the Regulatory Reform Agenda*

The President signed this Executive Order on February 24, 2017. The purpose of the Order is to implement and enforce regulatory reform and alleviate unnecessary regulatory burdens. This Executive Order refers back to Executive Orders 13771: Reducing Regulation and Controlling Regulatory Costs, 12866: Regulatory Planning and Review, and 13563: Improving Regulation and Regulatory Review as the “initiatives and policies” that must be considered in carrying out the February 24, 2017, Executive Order.

Ex. 5 - Deliberative Process

Executive Order 13771: *Reducing Regulation and Controlling Regulatory Costs*

Executive Order (E.O.) 13771, issued January 30, 2017, is commonly known as the “2-for-1” E.O since it directs federal executive branch agencies to remove 2 existing regulations for each new regulation proposed or finalized in FY-17 and thereafter. The intent is to measure all regulatory costs and offset new regulations by repealing old ones, such that the net effect on the economy is zero.

Ex. 5 - Deliberative Process

¹ Executive Order 12866 (October 4, 1993) directs agencies to annually publish a Regulatory Plan containing agency statements of regulatory priorities and additional information about the most significant regulatory activities planned for the coming year.

² The Regulatory Flexibility Act of 1980 and E.O. 12866 direct agencies, under OIRA’s direction, to release every spring and fall an agenda providing uniform data on regulatory and deregulatory activities under development throughout the Federal Government.

Presidential Memorandum: Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

The purpose of this memorandum is to “support the expansion of manufacturing in the United States through expedited reviews of and approvals for proposals to construct or expand manufacturing facilities and through reductions in regulatory burdens affecting domestic manufacturing.” The President directs the Secretary of Commerce to “conduct outreach to stakeholders concerning the impact of Federal regulations on domestic manufacturing.” The Secretary of Commerce will solicit comments from the public for no more than 60 days on Federal actions to streamline permitting and reduce regulatory burdens for domestic manufacturers. As part of this process, Secretary of Commerce will coordinate with secretaries of other departments and agencies including the Administrator of the Environmental Protection Agency. Within 60 days of completion of this process, the Secretary of Commerce will submit a Permit Streamlining Action Plan to the President identifying priority actions with deadlines including recommendations for any necessary changes to existing regulations or statutes, as well as actions to change policies, practices, or procedures that can be taken immediately.

Ex. 5 - Deliberative Process

To: Brown, Byron[brown.byron@epa.gov]
From: Schwab, Justin
Sent: Wed 3/8/2017 2:38:17 PM
Subject: FW: CD List
2017 Consent Decree table 2.16.17.docx

From: Minoli, Kevin
Sent: Tuesday, February 21, 2017 4:53 PM
To: Schwab, Justin <schwab.justin@epa.gov>
Subject: CD List

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Jackson, Ryan
Sent: Wed 3/8/2017 1:59:18 AM
Subject: Re: Chlorpyrifos Options

No they owe me some information.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Mar 7, 2017, at 8:46 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

RJ: does the administrator need to be briefed by Wendy et al? Not sure where this left off but just checking.

Sent from my iPhone

Begin forwarded message:

From: "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>
Date: March 7, 2017 at 8:43:34 PM EST
To: "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "McGartland, Al" <McGartland.Al@epa.gov>
Subject: RE: Chlorpyrifos Options

It hasn't gotten on his calendar as far as I can tell, so help would be appreciated! I'd heard that it might be possible to have a short time tomorrow morning? If not, what's the next opportunity?

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha

Sent: Tuesday, March 07, 2017 8:38 PM

To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>

Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>

Subject: Re: Chlorpyrifos Options

Wendy, I'm not sure where things left off on getting on the Administrator's calendar. Can I help move that forward? Did you get that sorted out? Thanks for the briefing.

Sent from my iPhone

On Mar 7, 2017, at 8:31 PM, Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov> wrote:

We're still working on a short overall briefing which provides some background to this, and for which this would be the last slide. But here's what we've developed with OGC on options. We would talk about impacts of different options in the briefing.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

<image001.png>

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 1:46:47 AM
Subject: Fwd: Chlorpyrifos Options

RJ: does the administrator need to be briefed by Wendy et al? Not sure where this left off but just checking.

Sent from my iPhone

Begin forwarded message:

From: "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>
Date: March 7, 2017 at 8:43:34 PM EST
To: "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "McGartland, Al" <McGartland.Al@epa.gov>
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Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

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Sent: Tuesday, March 07, 2017 8:38 PM
To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>
Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>
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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

<image001.png>

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

To: Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Rees, Sarah
Sent: Tue 3/7/2017 11:21:54 PM
Subject: Regulatory "hot" list and revised FR queue
[FR queue 3.8.2017_shortSortrev2.xlsx](#)
[FR Packet 3.8.2017rev2.docx](#)

Hi Samantha – I've attached the revised FR queue (current as of today) as well as an updated list of actions in the FR queue with near-term deadlines.

Of the near-term deadlines, the ones that are most pressing are three that are highlighted; two are notices of upcoming meetings, another is extension of a comment period (which was requested by a trade association). I can run these through Byron or catch up with you if you have time tomorrow; these should not be considered controversial.

I mentioned earlier today that there are 2 actions upcoming for Administrator signature in mid-March that is being driven by a consent decree deadline.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We are starting to get other actions in the queue for the Administrator's signature that don't have hard legal deadlines but are being driven by other issues. We should probably talk about what the process should look like for queuing items up for Administrator signature.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)

FR Queue Active Master List

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Schnare, David[schnare.david@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov];
Brown, Byron[brown.byron@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Connors, Sandra
Sent: Tue 3/7/2017 9:16:50 PM
Subject: As requested - for your further joint review and discussion: Compiled List of
Briefings/Background Papers
[Priority Briefings.docx](#)
[Priority Background Papers.docx](#)

Sandra

Sandra L. Connors
Senior Advisor

Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, Room 3317
Washington, DC 20460
(202)564-4231

connors.sandra@epa.gov

ADMINISTRATOR PRIORITY REQUESTED BRIEFINGS

GROUP 1:

	OFFICE Lead/Support	SUBJECT
1.		Ex. 5 - Deliberative Process
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

GROUP 2:

	OFFICE Lead/Support	SUBJECT
11.		Ex. 5 - Deliberative Process
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		

To: Dyner, Mark[dyner.mark@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Perlis, Robert[Perlis.Robert@epa.gov]
From: Mclean, Kevin
Sent: Tue 3/7/2017 8:27:32 PM
Subject: RE: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Ex. 5 - Deliberative Process, Attorney - Client Privilege

From: Dyner, Mark
Sent: Tuesday, March 07, 2017 3:09 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: RE: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Ex. 5 - Deliberative Process, Attorney - Client Privilege

From: Brown, Byron
Sent: Tuesday, March 07, 2017 2:18 PM
To: Dyner, Mark <dyner.mark@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: RE: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Ex. 5 - Deliberative Process, Attorney - Client Privilege

From: Dyner, Mark
Sent: Tuesday, March 7, 2017 1:12 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>;
Mclean, Kevin <Mclean.Kevin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: FW: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Hey Byron,

Nice to have you back. Attached are (1) a short motion seeking an extension to the 3/31/17 deadline in the chlorpyrifos litigation; and (2) a declaration for Ryan Jackson's signature in support of that motion. Last Friday we discussed this with Ryan and he instructed us to prepare the motion and was on board signing a supporting declaration. Could you get these to Ryan?

I'm happy to walk you through them, but they are pretty short and straightforward. The basic

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Thanks.

Mark

Mark Dyner

Office of General Counsel

(202) 564-1754

To: Brown, Byron[brown.byron@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Mclean, Kevin[Mclean.Kevin@epa.gov]; Perlis, Robert[Perlis.Robert@epa.gov]
From: Dyner, Mark
Sent: Tue 3/7/2017 8:09:15 PM
Subject: RE: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Ex. 5 - Deliberative Process, Attorney - Client Privilege

From: Brown, Byron
Sent: Tuesday, March 07, 2017 2:18 PM
To: Dyner, Mark <dyner.mark@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: RE: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Ex. 5 - Deliberative Process, Attorney - Client Privilege

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Sent: Tuesday, March 7, 2017 1:12 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
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I'm happy to walk you through them, but they are pretty short and straightforward. The basic

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Thanks.

Mark

Mark Dyner

Office of General Counsel

(202) 564-1754

To: Brown, Byron[brown.byron@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Mclean, Kevin[Mclean.Kevin@epa.gov]; Perlis, Robert[Perlis.Robert@epa.gov]
From: Dyner, Mark
Sent: Tue 3/7/2017 6:12:28 PM
Subject: FW: Chlorpyrifos--Draft_Jackson_Declaration & Motion
Draft Jackson Declaration - DOJ Edits.md.docx
Draft Motion for Extension - PANNA.ogc.docx

Hey Byron,

Nice to have you back. Attached are (1) a short motion seeking an extension to the 3/31/17 deadline in the chlorpyrifos litigation; and (2) a declaration for Ryan Jackson's signature in support of that motion. Last Friday we discussed this with Ryan and he instructed us to prepare the motion and was on board signing a supporting declaration. Could you get these to Ryan?

I'm happy to walk you through them, but they are pretty short and straightforward. The basic

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Thanks.

Mark

Mark Dyner

Office of General Counsel

(202) 564-1754

No. 14-72794

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PESTICIDE ACTION NETWORK NORTH AMERICA and
NATURAL RESOURCES DEFENSE COUNCIL, INC.,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

DECLARATION OF RYAN THOMAS JACKSON

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

No. 14-72794

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PESTICIDE ACTION NETWORK NORTH AMERICA and
NATURAL RESOURCES DEFENSE COUNCIL, INC.,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

**U.S. ENVIRONMENTAL PROTECTION AGENCY'S MOTION FOR
EXTENSION**

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

To: Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Rees, Sarah
Sent: Mon 3/6/2017 11:36:44 PM
Subject: Regulatory actions for discussion - 3/7

Hi Samantha – our “hot” regulatory items to discuss tomorrow are those we discussed at our 4pm – namely Chlorpyrifos and decision making regarding extension of the effective date for the Risk Management Plan rule, which is currently slated to become effective 3/21 if we take no further action.

Ex. 5 - Deliberative Process

As always – let me know if you need anything else.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)

To: Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Schnare, David[schnare.david@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Rees, Sarah
Sent: Mon 3/6/2017 11:12:47 PM
Subject: Revised FR Queue list
[FR Packet 3.8.2017rev1.docx](#)
[FR queue 3.8.2017_shortSortrev1.xlsx](#)

Hi folks – I’ve attached the following materials:

- [FR Queue List](#) A revised FR queue list – current as of today.
- [FR Notices](#) A list of FR notices that have upcoming deadlines for action. There are 23 of them through the end of the month. Happy to discuss any of these; I would focus on the ones that are highlighted. Happy to provide further information as needed.

Samantha, I’ve left a hard copy on Robin’s chair.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | [Ex. 6 - Personal Privacy](#) (m)

FR Queue Active Master List

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Kime, Robin
Location: 3513A
Importance: Normal
Subject: Chlorpyrifos
Start Date/Time: Mon 3/6/2017 9:00:00 PM
End Date/Time: Mon 3/6/2017 9:30:00 PM

From: Dravis, Samantha
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Canceled: Chlorpyrifos - Invitees Only
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Contact Robin with questions 564-6587.

To: Burden, Susan[Burden.Susan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Mojica, Andrea[Mojica.andrea@epa.gov]; Keigwin, Richard[Keigwin.Richard@epa.gov]; Strauss, Linda[Strauss.Linda@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Jutras, Nathaniel[Jutras.Nathaniel@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]
From: Hofmann, Angela
Sent: Wed 3/29/2017 10:53:20 PM
Subject: Re: Signed - Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances

Thanks everyone!

Sent from my iPhone

On Mar 29, 2017, at 3:15 PM, Burden, Susan <Burden.Susan@epa.gov> wrote:

This afternoon, Administrator Pruitt signed an order denying PANNA and NRDC's petition to revoke tolerances for chlorpyrifos. A copy of the signature page is attached. Please let me know if you have any questions.

Thanks,

Susan

Susan Burden, Ph.D.

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Office: (202) 564-6308

Cell: Ex. 6 - Personal Privacy

<Petition Denial - Chlorpyrifos.pdf>

To: Flynn, Mike[Flynn.Mike@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Freire, JP[Freire.JP@epa.gov]
Cc: Mojica, Andrea[Mojica.andrea@epa.gov]; Keigwin, Richard[Keigwin.Richard@epa.gov]; Strauss, Linda[Strauss.Linda@epa.gov]; Hofmann, Angela[Hofmann.Angela@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Jutras, Nathaniel[Jutras.Nathaniel@epa.gov]; Mojica, Andrea[Mojica.andrea@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]
From: Burden, Susan
Sent: Wed 3/29/2017 7:15:24 PM
Subject: Signed - Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances [Petition Denial - Chlorpyrifos.pdf](#)

This afternoon, Administrator Pruitt signed an order denying PANNA and NRDC's petition to revoke tolerances for chlorpyrifos. A copy of the signature page is attached. Please let me know if you have any questions.

Thanks,

Susan

Susan Burden, Ph.D.

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

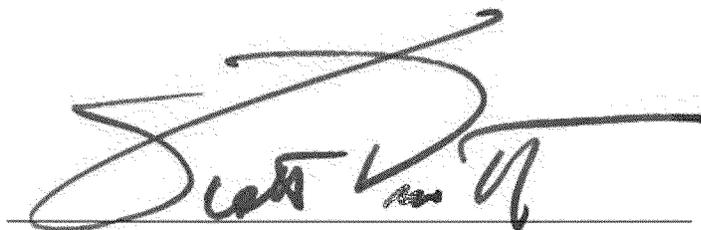
U.S. Environmental Protection Agency

Office: (202) 564-6308

Cell: Ex. 6 - Personal Privacy

Authority: 7 U.S.C. 136 *et seq.* and 21 U.S.C. 346a.

Dated: 3/29/2017.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line. The signature is stylized and cursive.

E. Scott Pruitt,

Administrator.

To: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Cleland-Hamnett, Wendy
Sent: Fri 3/24/2017 9:44:52 PM
Subject: Fw: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions
[ChlorpyrifosActionMemo_03-24-2017.docx](#)
[FRL9960-77_Petition_Response_Order_30.docx](#)

Status of the order below, and copy attached. Hope you all have a good weekend.

From: Hofmann, Angela
Sent: Friday, March 24, 2017 5:09 PM
To: Cleland-Hamnett, Wendy; Wise, Louise
Cc: Mojica, Andrea; Friedman, Dana; Chun, Melissa; Keigwin, Richard; Dyner, Mark; Guilaran, Yu-Ting; Smith, Charles; Costello, Kevin; Strauss, Linda; Dunton, Cheryl
Subject: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Hi Wendy,

I just dropped off the final signature package with Andrea. Attached is an electronic copy – in case you want another look or want to share it with others.

I have things lined up with OP to get the package to them in the morning on Monday, and they are ready to process it with deadline in mind. Susan is ready to track it once I get it to OP and will coordinate getting it signed on time and back to us promptly.

- Angela



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MEMORANDUM

**SUBJECT: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances
- ACTION MEMORANDUM**

FROM: Wendy Cleland-Hamnett
Acting Assistant Administrator (7101M)

THRU: Office of Policy (1804A)
Office of Executive Secretariat (1105A)

TO: E. Scott Pruitt
EPA Administrator (1101A)

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

DOCUMENT ED_001225_00000134 HAS BEEN
WITHHELD IN FULL UNDER FOIA EXEMPTION 5,
DELIBERATIVE PROCESS

To: Brown, Byron[brown.byron@epa.gov]
From: Burden, Susan
Sent: Fri 3/24/2017 6:28:53 PM
Subject: FW: New draft chlorpyrifos petition response
CPYFOS.Petition Response 032117_md_df.5pm.docx
ATT00001.htm

Hi Byron,

FYI...It looks like Wendy meant to send this to you, but did not use the right email address.

Thanks,

Susan

Susan Burden, Ph.D.

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Office: (202) 564-6308

Cell: Ex. 6 - Personal Privacy

From: Cleland-Hamnett, Wendy
Sent: Friday, March 24, 2017 2:26 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; byron <brown@usepa.onmicrosoft.com>
Cc: Burden, Susan <Burden.Susan@epa.gov>; Mojica, Andrea <Mojica.andrea@epa.gov>
Subject: Fwd: New draft chlorpyrifos petition response

Ryan,

Here's the latest version I have. There are a few references, etc to be filled in. Clean copy ready for signature will go to OP on Monday.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. EPA

Begin forwarded message:

From: "Mclean, Kevin" <Mclean.Kevin@epa.gov>

Date: March 21, 2017 at 5:12:01 PM EDT

To: "Minoli, Kevin" <Minoli.Kevin@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>

Cc: "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>, "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Dyner, Mark" <dyner.mark@epa.gov>, "Perlis, Robert" <Perlis.Robert@epa.gov>

Subject: New draft chlorpyrifos petition response

Attached is the new draft of the chlorpyrifos petition response, reflecting input from OPP and DOJ, as well as additional work by Mark. (Thanks, Mark, for doing such great and quick work on this.) While some clean up remains, and Bob and I will be reviewing it as well, I think it's ready for you to look at.

Wendy—Were you able to connect with Samantha about the timing for how this should proceed, e.g., when does the finished product need to get to OP for signature by the Administrator?

Kevin and Justin—As I'm not sure what the date is for having a final package I'm not sure what to tell you in terms of review time for a precise date, so I'm afraid I just need to ask

that you review and send comments back to Mark, Bob and me as soon as possible.

The other Kevin

DOCUMENT ED_001225_00000137 HAS BEEN
WITHHELD IN FULL UNDER FOIA EXEMPTION 5,
DELIBERATIVE PROCESS

To: Schwab, Justin[schwab.justin@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Dravis, Samantha
Sent: Mon 3/20/2017 2:46:17 PM
Subject: FW: Chloropyrifos
CPYFOS.Petition Response.md.3.16.17.doc

Justin and Kevin,

I have reviewed this but in case you have not, could you review the draft and submit your edits/changes to Wendy? We need to get this completed and teed up for signature by the Administrator by the end of this week in order to stay on track for a 3/31 delivery.

Thanks to you both, and happy Monday.

From: Cleland-Hamnett, Wendy
Sent: Thursday, March 16, 2017 2:57 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Samantha,

Attached is our first draft of the order denying the petition. As such, please be aware that we are still in the process of editing. If you see typos or citations, etc. to be filled in, folks are working on those. Also, it's been reviewed at the Associate General Counsel level (Kevin McLean) but Kevin Minoli and Justin Schwab haven't yet reviewed. But I think this version will allow you to see how we're describing the basis for the denial.

The most relevant sections, describing our basis for denying the petition at this time, are on pages 8-9 and 38-41. As you'll read in the notice, the Agency previously provided 2 interim responses. In 2012 we denied one claim completely and, in 2014, expressed an intent to deny 6

other claims. In this document, we're also finalizing the denial of those 6 claims to completely close out the petition response. The description of the bases for those earlier denials are cut & pasted from those earlier documents.

Ex. 5 - Deliberative Process

In the meantime, we'll also work with OPA on communications. I've asked my coms people to hold off on preparing anything until we've settled on the substance.

Always happy to answer questions or come over to discuss.

Wendy

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha
Sent: Thursday, March 16, 2017 11:04 AM
To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Great, thanks much!

From: Cleland-Hamnett, Wendy
Sent: Thursday, March 16, 2017 10:48 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Samantha,

I received the first draft late yesterday and am now working through the 40+ pages. Will meet with OGC and the pesticides program at 11:00. Will get back to you after that.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha

Sent: Thursday, March 16, 2017 10:31 AM

To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: Chloropyrifos

Wendy:

I'm checking in on the draft of the petition denial for Chloropyrifos. I know we still have a bit of time before the 3/31 deadline, but I'd like to know where this is in the process as well as take a look at how the denial has been drafted given the record, to make sure we have time to ask any last minute questions. Could you send over an update?

Thank you very much.

Samantha

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

DOCUMENT ED_001225_00000139 HAS BEEN
WITHHELD IN FULL UNDER FOIA EXEMPTION 5,
DELIBERATIVE PROCESS

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Cleland-Hamnett, Wendy
Sent: Thur 3/16/2017 6:57:21 PM
Subject: RE: Chloropyrifos
CPYFOS.Petition Response.md.3.16.17.doc

Samantha,

Attached is our first draft of the order denying the petition. As such, please be aware that we are still in the process of editing. If you see typos or citations, etc. to be filled in, folks are working on those. Also, it's been reviewed at the Associate General Counsel level (Kevin McLean) but Kevin Minoli and Justin Schwab haven't yet reviewed. But I think this version will allow you to see how we're describing the basis for the denial.

The most relevant sections, describing our basis for denying the petition at this time, are on pages 8-9 and 38-41. As you'll read in the notice, the Agency previously provided 2 interim responses. In 2012 we denied one claim completely and, in 2014, expressed an intent to deny 6 other claims. In this document, we're also finalizing the denial of those 6 claims to completely close out the petition response. The description of the bases for those earlier denials are cut & pasted from those earlier documents.

Ex. 5 - Deliberative Process

In the meantime, we'll also work with OPA on communications. I've asked my coms people to hold off on preparing anything until we've settled on the substance.

Always happy to answer questions or come over to discuss.

Wendy

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha

Sent: Thursday, March 16, 2017 11:04 AM

To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: RE: Chloropyrifos

Great, thanks much!

From: Cleland-Hamnett, Wendy

Sent: Thursday, March 16, 2017 10:48 AM

To: Dravis, Samantha <dravis.samantha@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: RE: Chloropyrifos

Samantha,

I received the first draft late yesterday and am now working through the 40+ pages. Will meet with OGC and the pesticides program at 11:00. Will get back to you after that.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha

Sent: Thursday, March 16, 2017 10:31 AM

To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: Chloropyrifos

Wendy:

I'm checking in on the draft of the petition denial for Chloropyrifos. I know we still have a bit of time before the 3/31 deadline, but I'd like to know where this is in the process as well as take a look at how the denial has been drafted given the record, to make sure we have time to ask any last minute questions. Could you send over an update?

Thank you very much.

Samantha

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

DOCUMENT ED_001225_00000141 HAS BEEN
WITHHELD IN FULL UNDER FOIA EXEMPTION 5,
DELIBERATIVE PROCESS

To: Freire, JP[Freire.JP@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Brown, Byron
Sent: Fri 3/31/2017 8:17:31 PM
Subject: FW: FYI Pesticide Policy Coalition Praises EPA Chlorpyrifos Decision

fyi

From: Sheryl Kunickis [mailto:[Ex. 6 - Personal Privacy](mailto:Ex.6-PersonalPrivacy)]
Sent: Friday, March 31, 2017 3:17 PM
To: Rebeckah Adcock <RAAdcock@croplifeamerica.org>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; [Ex. 6 - Personal Privacy](mailto:Ex.6-PersonalPrivacy); Brown, Byron <brown.byron@epa.gov>; Brian Klippenstein [Ex. 6 - Personal Privacy](mailto:Ex.6-PersonalPrivacy)
[Ex. 6 - Personal Privacy](mailto:Ex.6-PersonalPrivacy); S Kunickis <sheryl.kunickis@osec.usda.gov>
Subject: Re: FYI Pesticide Policy Coalition Praises EPA Chlorpyrifos Decision

Thank you! It is a great week for our growers and the decision is much appreciated.

Sheryl

Sent from my iPhone

On Mar 31, 2017, at 3:05 PM, Rebeckah Adcock <RAAdcock@croplifeamerica.org> wrote:

PESTICIDE POLICY COALITION

A Coalition Working for Sound Pest Management Policies

NEWS RELEASE

For more information, contact:

Ethan Mathews, mathews@ncga.com

Work: (202) 326-0647 Cell: (202) 374-9566

Pesticide Policy Coalition Praises EPA Chlorpyrifos Decision

WASHINGTON (March 30, 2017) – Members of the Pesticide Policy Coalition (PPC) today praised the U.S. Environmental Protection Agency (EPA)'s decision to deny a petition to remove the crop protection tool chlorpyrifos from the market.

“We need to provide regulatory certainty to the thousands of American farmers that rely on

chlorpyrifos, while still protecting human health and the environment,” EPA Administrator Scott Pruitt stated in the [announcement](#). “By reversing the previous administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making.”

PPC is a coalition of food, agriculture, pest management, and related organizations that support transparent, fair, and science-based regulation of pest management. PPC members heralded the announcement.

“The National Corn Growers Association supports transparent, science-based oversight of pesticides. We are encouraged by the EPA’s decision because it signals a return to those standards and procedures. Farmers need access to many crop protection tools to ensure all tools can remain effective,” said [NCGA President Wesley Spurlock](#), a farmer from Stratford, Texas.

“As USDA has noted, chlorpyrifos has been used as part of environmentally-friendly integrated pest management programs for nearly 50 years. It is widely and safely used for a range of crops, including alfalfa, citrus, vegetables, soybeans, [and] almonds... [and] also protects hundreds of thousands of acres of grass seed production,” said [American Farm Bureau Federation President Zippy Duvall](#).

“Farmers count on the continual advancement of crop protection technology to stay ahead of crop threats, and that advancement hinges on a predictable regulatory process. EPA heeded the concerns laid out by stakeholders, state regulators, trading partners and even USDA in the public record. Today’s decision reinforces the strength, objectivity and consistency of EPA’s pesticide registration and registration-review process,” stated [Jay Vroom, president and CEO of CropLife America \(CLA\)](#).

About the Pesticide Policy Coalition

PPC is a coalition of food, agriculture, pest management, and related organizations that support transparent, fair and science-based regulation of pest management. PPC members include nationwide and regional farm, commodity, specialty crop, and silviculture organizations; cooperatives; food processors and marketers; pesticide manufacturers, formulators and distributors; pest- and vector-control operators; research organizations; and other interested parties. PPC serves as a forum for the review, discussion, development, and advocacy of pest management policies and issues important to its members.

###

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Brown, Byron
Sent: Wed 3/29/2017 9:14:30 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

I'm OK.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:47 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: For Ray Review: Updated Release w USDA Quote

Byron:

This is ready to go. Any last minute changes?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

He said go with it, I think. Text him

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:44 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

It may not, I just was double checking. I think JP is editing it now, but we have it t-ed up and ready to go out, as soon as JP gives the go.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:43 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:03 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin...” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

###

To: Jackson, Ryan[jackson.ryan@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Brown, Byron
Sent: Fri 3/10/2017 11:08:52 PM
Subject: Monday Agriculture Meeting
[Agricultural Leaders Meeting.docx](#)

Basic info for meeting. Purpose is to reset relationship with ag leaders

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

Ex. 5 - Deliberative Process

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Brown, Byron
Sent: Thur 3/9/2017 5:54:00 PM
Subject: RE: question

Hi Kevin – the issue I wanted to chat about relates to chlorpyrifos. Ryan asked me to follow up on something that came up in a recent discussion he had with Wendy. She advised there were a

Ex. 5 - Deliberative Process

From: Brown, Byron
Sent: Thursday, March 9, 2017 11:31 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: question

Hi Kevin – I stopped by but you were in a meeting. Could you give me a call when you are next free? My number is 564-1456.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Brown, Byron
Sent: Tue 3/7/2017 8:40:24 PM
Subject: FW: Chlorpyrifos--Draft_Jackson_Declaration & Motion
Draft Jackson Declaration - DOJ Edits.md.docx
Draft Motion for Extension - PANNA.ogc.docx

Fyi – I left you hard copies on your desk. I had one follow up question for OGC about whether

Ex. 5 - Deliberative Process, Attorney - Client Privilege

From: Dyner, Mark
Sent: Tuesday, March 7, 2017 1:12 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: FW: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Hey Byron,

Nice to have you back. Attached are (1) a short motion seeking an extension to the 3/31/17 deadline in the chlorpyrifos litigation; and (2) a declaration for Ryan Jackson's signature in support of that motion. Last Friday we discussed this with Ryan and he instructed us to prepare the motion and was on board signing a supporting declaration. Could you get these to Ryan?

I'm happy to walk you through them, but they are pretty short and straightforward. The basic

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Thanks.

Mark

Mark Dyner

Office of General Counsel

(202) 564-1754

No. 14-72794

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PESTICIDE ACTION NETWORK NORTH AMERICA and
NATURAL RESOURCES DEFENSE COUNCIL, INC.,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

DECLARATION OF RYAN THOMAS JACKSON

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

No. 14-72794

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PESTICIDE ACTION NETWORK NORTH AMERICA and
NATURAL RESOURCES DEFENSE COUNCIL, INC.,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

**U.S. ENVIRONMENTAL PROTECTION AGENCY'S MOTION FOR
EXTENSION**

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative Process

To: Dyner, Mark[dyner.mark@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Mclean, Kevin[Mclean.Kevin@epa.gov]; Perlis, Robert[Perlis.Robert@epa.gov]
From: Brown, Byron
Sent: Tue 3/7/2017 7:17:52 PM
Subject: RE: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Ex. 5 - Deliberative Process, Attorney - Client Privilege

From: Dyner, Mark
Sent: Tuesday, March 7, 2017 1:12 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: FW: Chlorpyrifos--Draft_Jackson_Declaration & Motion

Hey Byron,

Nice to have you back. Attached are (1) a short motion seeking an extension to the 3/31/17 deadline in the chlorpyrifos litigation; and (2) a declaration for Ryan Jackson's signature in support of that motion. Last Friday we discussed this with Ryan and he instructed us to prepare the motion and was on board signing a supporting declaration. Could you get these to Ryan?

I'm happy to walk you through them, but they are pretty short and straightforward. The basic

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Thanks.

Mark

Mark Dyner

Office of General Counsel

(202) 564-1754

From: Kime, Robin
Location: 3513A
Importance: Normal
Subject: Chlorpyrifos
Start Date/Time: Mon 3/6/2017 9:00:00 PM
End Date/Time: Mon 3/6/2017 9:30:00 PM

To: Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Freire, JP
Sent: Fri 3/31/2017 8:04:58 PM
Subject: RE: New York Times inquiry, on chlorpyrifos

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Friday, March 31, 2017 4:00 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: New York Times inquiry, on chlorpyrifos

Ex. 5 - Deliberative Process

From: Wilcox, Jahan
Sent: Friday, March 31, 2017 3:01 PM
To: Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: FW: New York Times inquiry, on chlorpyrifos

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

•**□□□□□□□□ American Farm Bureau praised the EPA’s decision because chlorpyrifos is environmentally friendly and it protects citrus, vegetables, soybeans and many other crops.** “Farmers nationwide depend on chlorpyrifos in managing their crops. It is widely and safely used for a wide range of crops, including alfalfa, citrus, vegetables, soybeans, almonds and others. It also protects hundreds of thousands of acres of grass seed production, where it controls aphids, cutworms and other pests. As USDA has noted, chlorpyrifos has been used as a part of environmentally friendly IPM (integrated pest management) programs for nearly 50 years.” [Press Release, [American Farm Bureau Federation](#), 03/30/17]

•**□□□□□□□□ The Corn Growers Association applauded the EPA, because the scientific consensus is that it’s safe and our farmers can’t be too reliant on a single tool to protect their crops.** “The overwhelming scientific consensus is that chlorpyrifos is safe for use by farmers, and we are confident that the pesticide review process will reaffirm this. ... Effective pest management requires access to a variety of treatments, including chlorpyrifos. If we become too reliant on a single tool, it can start to lose its effectiveness, and that’s how resistance develops. Farmers need access to many crop protection tools to ensure all tools can remain effective.” [Press Release, [National Corn Growers Association](#), 03/30/17]

•**□□□□□□□□ The Department of Agriculture’s Office of Pest Management said the decision was based on science and means Americans will have access to a full range of fruits and vegetables.** “This is a welcome decision grounded in evidence and science... This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables.” [Press Release, 03/30/17]

From: Milbourn, Cathy
Sent: Friday, March 31, 2017 2:53 PM
To: RABIN, RONI <roni.rabin@nytimes.com>; Press <Press@epa.gov>
Subject: RE: New York Times inquiry, on chlorpyrifos

Hi Roni,

Did you receive the news release and the link to the FR notice?

From: RABIN, RONI [<mailto:roni.rabin@nytimes.com>]
Sent: Friday, March 31, 2017 2:23 PM
To: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Press <Press@epa.gov>
Subject: New York Times inquiry, on chlorpyrifos

HI,

I'm following up on EPA Administrator Scott Pruitt's 3/29 order regarding chlorpyrifos, and wanted to have some more information about the basis for the petition denial.

Can I please see the scientific report and/or briefing materials or any other documentation that he and his staff used as the basis of this action?

Thank you,

Roni Caryn Rabin

New York Times

(212) 556-8314

Cell: Ex. 6 - Personal Privacy

To: Dravis, Samantha[dravis.samantha@epa.gov]; Rateike, Bradley A.
EOP/WHO: Ex. 6 - Personal Privacy
From: Bowman, Liz
Sent: Wed 3/29/2017 10:38:20 PM
Subject: FW: EPA Administrator Pruitt Denies Petition to Ban Widely Used Pesticide

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
March 29, 2017

EPA Administrator Pruitt Denies Petition to Ban Widely Used Pesticide

Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt signed an order denying a petition that sought to ban chlorpyrifos, a pesticide crucial to U.S. agriculture.

“We need to provide regulatory certainty to the thousands of American farms that rely on chlorpyrifos, while still protecting human health and the environment,” said EPA Administrator Pruitt. “By reversing the previous Administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making – rather than predetermined results.”

“This is a welcome decision grounded in evidence and science,” said Sheryl Kunickis, director of the Office of Pest Management Policy at the U.S. Department of Agriculture (USDA). “It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.”

In October 2015, under the previous Administration, EPA proposed to revoke all food residue tolerances for chlorpyrifos, an active ingredient in insecticides. This proposal was issued in response to a petition from the Natural Resources Defense Council and Pesticide Action Network North America. The October 2015 proposal largely relied on certain epidemiological study outcomes, whose application is novel and uncertain, to reach its conclusions.

The public record lays out serious scientific concerns and substantive process gaps in the proposal. Reliable data, overwhelming in both quantity and quality, contradicts the reliance on – and misapplication of – studies to establish the end points and conclusions used to rationalize the proposal.

The USDA disagrees with the methodology used by the previous Administration. Similarly, the National Association of State Departments of Agriculture also objected to EPA’s methodology. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) also expressed concerns with regard to EPA’s previous reliance on certain data the Agency had used to support its proposal to ban the pesticide.

The FIFRA SAP is a federal advisory committee operating in accordance with the Federal Advisory Committee Act and established under the provisions of FIFRA, as amended by the Food Quality Protection Act of 1996. It provides scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues regarding the impact of regulatory decisions on

health and the environment.

To view the petition: <https://www.epa.gov/pesticides>

R044

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Jackson, Ryan
Sent: Wed 3/29/2017 8:50:42 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

This is great.

Most widely used in the world? That's true?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

He said go with it, I think. Text him

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:44 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

It may not, I just was double checking. I think JP is editing it now, but we have it t-ed up and ready to go out, as soon as JP gives the go.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:43 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:03 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add "With Support from USDA, Admin...." Into the headline, to show it's a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 8:51:25 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Well, the stuff I had said it was, but I wrote “one of” to be sure...

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 4:51 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

This is great.

Most widely used in the world? That’s true?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
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Subject: RE: For Ray Review: Updated Release w USDA Quote

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From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin....” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Freire, JP[Freire.JP@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 7:55:19 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin...” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Dravis, Samantha[dravis.samantha@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Freire, JP
Sent: Wed 3/29/2017 8:13:27 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Actually, hold on a sec, am going to change one or two things.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add "With Support from USDA, Admin...." Into the headline, to show it's a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

###

To: Freire, JP[Freire.JP@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 2:19:24 PM
Subject: For Ray Review: Updated Release

Can you please send this to Ray to review/edit accordingly?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Dravis, Samantha[dravis.samantha@epa.gov]; Konkus, John[konkus.john@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 2:10:48 PM
Subject: RE:

Got it, thank you

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 10:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Headline is too hyperbolic, tone it down.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Dravis, Samantha[dravis.samantha@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 1:46:15 PM
Subject: For Review: Draft Press Release on Chlorpyrifos Petition

Below, for review, please find a draft release on SP's order today on Chlorpyrifos. This language might be too strong, but I thought I would take a stab and y'all can edit/adjust as you see fit. JP – I talked with Sam about this earlier, and John and I also talked about a plan to announce; let me know when you have a minute to discuss. Thank you – Liz

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Freire, JP
Sent: Wed 3/29/2017 2:00:03 PM
Subject: Re: For Review: Draft Press Release on Chlorpyrifos Petition

We will pass to ray once you're through looking at it.

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: Ex. 6 - Personal Privacy

On Mar 29, 2017, at 9:59 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Did you run this by Ray Starling at the White House?

I will have some edits that I'll send shortly.

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 9:46 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: For Review: Draft Press Release on Chlorpyrifos Petition

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Freire, JP[Freire.JP@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Konkus, John
Sent: Wed 3/29/2017 2:01:50 PM
Subject: RE: For Review: Draft Press Release on Chlorpyrifos Petition

We are working on an outstanding comms plan to push this out. Really outstanding.

From: Freire, JP
Sent: Wednesday, March 29, 2017 10:00 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: For Review: Draft Press Release on Chlorpyrifos Petition

We will pass to ray once you're through looking at it.

J.P. Freire

Environmental Protection Agency

Associate Administrator for Public Affairs

Mobile: Ex. 6 - Personal Privacy

On Mar 29, 2017, at 9:59 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Did you run this by Ray Starling at the White House?

I will have some edits that I'll send shortly.

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 9:46 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln

<ferguson.lincoln@epa.gov>

Subject: For Review: Draft Press Release on Chlorpyrifos Petition

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]
Cc: Richardson, RobinH[Richardson.RobinH@epa.gov]
From: Bennett, Tate
Sent: Thur 3/30/2017 2:56:59 PM
Subject: FW: SEPW Complaint about Chlorpyrifos Notification

Ex. 5 - Deliberative Process

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Thursday, March 30, 2017 9:09 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

I saw this last night when it posted. Could you suggest that more timely notifications would be appreciated in the future?

Thanks

Sent from my iPhone

On Mar 30, 2017, at 9:03 AM, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

Heads up that EPA denied a petition that sought to ban chlorpyrifos, a pesticide crucial to U.S. agriculture.

“We need to provide regulatory certainty to the thousands of American farms that

rely on chlorpyrifos, while still protecting human health and the environment,” said EPA Administrator Pruitt. “By reversing the previous Administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making – rather than predetermined results.”

“This is a welcome decision grounded in evidence and science,” said Sheryl Kunickis, director of the Office of Pest Management Policy at the U.S. Department of Agriculture (USDA). “It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.”

In October 2015, under the previous Administration, EPA proposed to revoke all food residue tolerances for chlorpyrifos, an active ingredient in insecticides. This proposal was issued in response to a petition from the Natural Resources Defense Council and Pesticide Action Network North America. The October 2015 proposal largely relied on certain epidemiological study outcomes, whose application is novel and uncertain, to reach its conclusions.

The public record lays out serious scientific concerns and substantive process gaps in the proposal. Reliable data, overwhelming in both quantity and quality, contradicts the reliance on – and misapplication of – studies to establish the end points and conclusions used to rationalize the proposal.

The USDA disagrees with the methodology used by the previous Administration. Similarly, the National Association of State Departments of Agriculture also objected to EPA’s methodology. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) also expressed concerns with regard to EPA’s previous reliance on certain data the Agency had used to support its proposal to ban the pesticide.

The FIFRA SAP is a federal advisory committee operating in accordance with the Federal Advisory Committee Act and established under the provisions of FIFRA, as amended by the Food Quality Protection Act of 1996. It provides scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues regarding the impact of regulatory decisions on health and the environment.

For more information on chlorpyrifos and the petition:

<https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

Please let me know if any questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

To: Kreutzer, David[kreutzer.david@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Paul Schlegel
Sent: Thur 3/30/2017 2:56:26 PM
Subject: News release - Farm Bureau Praises EPA Chlorpyrifos Decision
[removed.txt](#)

David & Samantha –

I wanted you to the press statement we have issued. We're very supportive of the Administrator's decision yesterday.

Paul

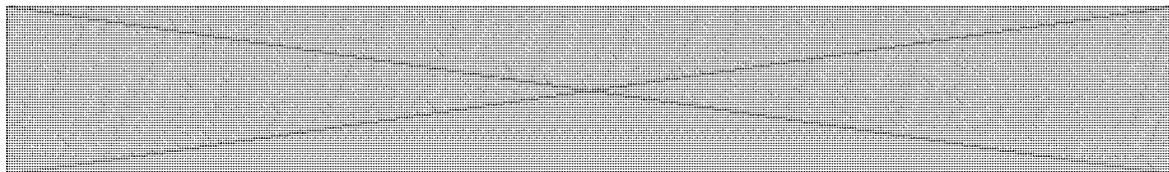
Paul Schlegel

Director, Energy and Environment Team

Direct: (202) 406-3687

Cell: Ex. 6 - Personal Privacy

Email: pauls@fb.org



Contacts: Will Rodger
(202) 406-3642
willr@fb.org

Kari Barbic
(202) 406-3672
karib@fb.org

Farm Bureau Praises EPA Chlorpyrifos Decision

WASHINGTON, D.C., March 30, 2017 – American Farm Bureau Federation President Zippy Duvall today applauded Environmental Protection Agency Administrator Scott Pruitt for rejecting a petition that would have eliminated the use of chlorpyrifos in agriculture.

“Farmers nationwide depend on chlorpyrifos in managing their crops,” Duvall said. “It is widely and safely used for a wide range of crops, including alfalfa, citrus, vegetables, soybeans, almonds and others. It also protects hundreds of thousands of acres of grass seed production, where it controls aphids, cutworms and other pests. As USDA has noted, chlorpyrifos has been used as a part of environmentally friendly IPM (integrated pest management) programs for nearly 50 years.”

Duvall noted that the chemical is still subject to registration review and any concerns about its safe use can be addressed in that process.

AFBF earlier filed comments with EPA expressing concern over the agency’s approach. The agency had apparently relied on epidemiological studies even though researchers had failed to share raw data with the agency. EPA’s own Scientific Advisory Panel, as well as USDA, had expressed caution about how the agency used the epidemiological study.

***** ATTACHMENT REMOVED *****

This message contained an attachment which the administrator has caused to be removed.

***** ATTACHMENT REMOVED *****

Attachment name: [image001.jpg]
Attachment type: [image/jpeg]

To: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 9:01:33 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 5:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:58 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 4:52 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ok. As long as we have a foundation for that from a fellow chemical person. I trust you.

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:51 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

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Sent: Wednesday, March 29, 2017 4:51 PM
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Most widely used in the world? That’s true?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

He said go with it, I think. Text him

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:44 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

It may not, I just was double checking. I think JP is editing it now, but we have it t-ed up and ready to go out, as soon as JP gives the go.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:43 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>
Cc: Jackson, Ryan <[jackson.ryan@epa.gov](mailto: jackson.ryan@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:03 PM
To: Dravis, Samantha <[dravis.samantha@epa.gov](mailto: dravis.samantha@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Freire, JP <[Freire.JP@epa.gov](mailto: Freire.JP@epa.gov)>
Cc: Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <[Freire.JP@epa.gov](mailto: Freire.JP@epa.gov)>
Cc: Dravis, Samantha <[dravis.samantha@epa.gov](mailto: dravis.samantha@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin....” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

###

To: Bowman, Liz[Bowman.Liz@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Jackson, Ryan
Sent: Wed 3/29/2017 9:00:36 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:58 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 4:52 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ok. As long as we have a foundation for that from a fellow chemical person. I trust you.

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:51 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Well, the stuff I had said it was, but I wrote "one of" to be sure...

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 4:51 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>

Subject: RE: For Ray Review: Updated Release w USDA Quote

This is great.

Most widely used in the world? That's true?

From: Dravis, Samantha
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To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>
Cc: Jackson, Ryan <[jackson.ryan@epa.gov](mailto: jackson.ryan@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote

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Sent: Wednesday, March 29, 2017 4:44 PM
To: Dravis, Samantha <[dravis.samantha@epa.gov](mailto: dravis.samantha@epa.gov)>
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Subject: RE: For Ray Review: Updated Release w USDA Quote

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Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

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Sent: Wednesday, March 29, 2017 3:55 PM
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Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
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Importance: High

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

###

To: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 8:57:31 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 4:52 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

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Sent: Wednesday, March 29, 2017 4:51 PM
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Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

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Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin....” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

###

To: Bowman, Liz[Bowman.Liz@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Jackson, Ryan
Sent: Wed 3/29/2017 8:52:12 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ok. As long as we have a foundation for that from a fellow chemical person. I trust you.

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:51 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Well, the stuff I had said it was, but I wrote "one of" to be sure...

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 4:51 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
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Sent: Wednesday, March 29, 2017 4:46 PM
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To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
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Sent: Wednesday, March 29, 2017 4:43 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
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Sent: Wednesday, March 29, 2017 4:03 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
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From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

###

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 8:44:03 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

It may not, I just was double checking. I think JP is editing it now, but we have it t-ed up and ready to go out, as soon as JP gives the go.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:43 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:03 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

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From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

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Ex. 5 - Deliberative Process

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###

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Freire, JP
Sent: Wed 3/29/2017 8:12:19 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Great, get it out.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin....” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

###

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 8:03:28 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add "With Support from USDA, Admin...." Into the headline, to show it's a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

###

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Bowman, Liz
Sent: Wed 3/29/2017 8:01:17 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

JP said he was sending it, along with legal review, not sure yet ...trying to track him down. Do you want me to go ahead and send it to Ray, by replying to your message? Worse that can happen is he gets it again – also, we have a stakeholder outreach list ready to go.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 3:57 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ok so was this sent to Ray or no?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin....” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

###

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Kime, Robin
Sent: Wed 3/29/2017 7:28:46 PM
Subject: This is the signature page only: Signed - Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances
[Petition Denial - Chlorpyrifos.pdf](#)

A .pdf of the entire doc is coming your way

From: Burden, Susan
Sent: Wednesday, March 29, 2017 3:15 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Mojica, Andrea <Mojica.andrea@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Mojica, Andrea <Mojica.andrea@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Threet, Derek <Threet.Derek@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Subject: Signed - Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances

This afternoon, Administrator Pruitt signed an order denying PANNA and NRDC's petition to revoke tolerances for chlorpyrifos. A copy of the signature page is attached. Please let me know if you have any questions.

Thanks,

Susan

Susan Burden, Ph.D.

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

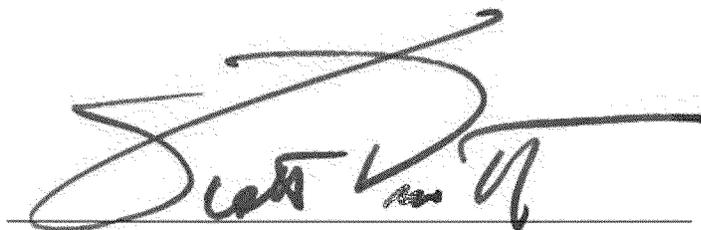
U.S. Environmental Protection Agency

Office: (202) 564-6308

Cell: **Ex. 6 - Personal Privacy**

Authority: 7 U.S.C. 136 *et seq.* and 21 U.S.C. 346a.

Dated: 3/29/2017.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line. The signature is stylized and cursive.

E. Scott Pruitt,

Administrator.

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Rees, Sarah[rees.sarah@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]
From: Kime, Robin
Sent: Wed 3/29/2017 7:02:41 PM
Subject: Chlorpyrifos is signed, .pdf en route to you in a few minutes

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Freire, JP[Freire.JP@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Konkus, John
Sent: Wed 3/29/2017 2:14:17 PM
Subject: RE: For Review: Draft Press Release on Chlorpyrifos Petition

Yes. Stand by.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 10:11 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: For Review: Draft Press Release on Chlorpyrifos Petition

Can you give me a quick call about the comms plan? I am at my desk

I have no idea what my desk number is... :/

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 9:46 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: For Review: Draft Press Release on Chlorpyrifos Petition

Below, for review, please find a draft release on SP's order today on Chlorpyrifos. This language might be too strong, but I thought I would take a stab and y'all can edit/adjust as you see fit. JP – I talked with Sam about this earlier, and John and I also talked about a plan to announce; let me know when you have a minute to discuss. Thank you – Liz

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Samantha Dravis[Dravis.Samantha@epamail.epa.gov]
Cc: Brittany Bolen[Bolen.Brittany@epamail.epa.gov]; George Sugiyama[Sugiyama.George@epamail.epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Corrales, Mark[Corrales.Mark@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Peffers, Mel[Peffer.Mel@epa.gov]
From: Sarah Rees
Sent: Tue 3/28/2017 7:59:23 PM
Subject: OP Policy Review - ORPM Office Director Approval Notification (SAN 5993 - Notice / Administrator's Signature / Review #1 / OCSP - 'Chlorpyrifos; Final Response to Petitions')

Approval for Administrator's Signature: Notice - 'Chlorpyrifos; Final Response to Petitions'

This Policy Review is ready for OP Associate Administrator Approval.

Link to Policy Review Document-> 

To: Schnare, David[schnare.david@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Benton, Donald[benton.donald@epa.gov]
From: Flynn, Mike
Sent: Wed 3/8/2017 2:12:02 PM
Subject: Re: Checking in

Samantha, great - will be good to have you join us. Will have folks get this on your calendar.

Mike

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
(202) 564-4711

> On Mar 8, 2017, at 6:58 AM, Schnare, David <schnare.david@epa.gov> wrote:

>

> Mike Flynn and I hold an afternoon meeting with selected AO staff to figure out what we need to get before the Administrator at the next morning's Chief of Staff meeting. You are welcome. The time of the meeting tends to bounce around between 3 and 4. Mike Flynn sets this up. I'm cc'ing him on this to ensure you are invited.

>

> D.

>

> -----Original Message-----

> From: Dravis, Samantha

> Sent: Wednesday, March 8, 2017 6:56 AM

> To: Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>

> Subject: FW: Checking in

>

> Good morning gentlemen!

>

> I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that going forward instead of Shannon. Could you forward me calendar invitations?

>

> Thank you!

>

> -----Original Message-----

> From: Kenny, Shannon

> Sent: Tuesday, March 7, 2017 5:40 PM

> To: Dravis, Samantha <dravis.samantha@epa.gov>

> Cc: Rees, Sarah <rees.sarah@epa.gov>

> Subject: Checking in

>

Ex. 5 - Deliberative Process

> I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to

make it serve you better in your AA role.

>

> Shannon

>

> Sent from my iPhone

To: Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
Sent: Wed 3/8/2017 12:16:16 PM
Subject: RE: Chlorpyrifos - Administrator Briefing

Great, thanks

From: Cleland-Hamnett, Wendy
Sent: Wednesday, March 8, 2017 7:02 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Re: Chlorpyrifos - Administrator Briefing

I just heard from Ryan that he's looking at Monday afternoon.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. EPA

On Mar 8, 2017, at 6:44 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Apologies Wendy, I'm not sure where this left off and I don't have a status update. Let me check with RJ and see where he is on this.

From: Cleland-Hamnett, Wendy
Sent: Tuesday, March 7, 2017 6:54 PM
To: Kenny, Shannon <Kenny.Shannon@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Chlorpyrifos - Administrator Briefing

Can you let me know status? Are we still waiting to find out, or is it not happening

tomorrow?

Thanks.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Schnare, David
Sent: Wed 3/8/2017 11:59:57 AM
Subject: RE: Checking in

yes

-----Original Message-----
From: Dravis, Samantha
Sent: Wednesday, March 8, 2017 6:59 AM
To: Schnare, David <schnare.david@epa.gov>
Subject: RE: Checking in

Are you in the office, David?

-----Original Message-----
From: Schnare, David
Sent: Wednesday, March 8, 2017 6:58 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Checking in

Mike Flynn and I hold an afternoon meeting with selected AO staff to figure out what we need to get before the Administrator at the next morning's Chief of Staff meeting. You are welcome. The time of the meeting tends to bounce around between 3 and 4. Mike Flynn sets this up. I'm cc'ing him on this to ensure you are invited.

D.

-----Original Message-----
From: Dravis, Samantha
Sent: Wednesday, March 8, 2017 6:56 AM
To: Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: FW: Checking in

Good morning gentlemen!

I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that going forward instead of Shannon. Could you forward me calendar invitations?

Thank you!

-----Original Message-----
From: Kenny, Shannon
Sent: Tuesday, March 7, 2017 5:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject: Checking in

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

To: Schnare, David[schnare.david@epa.gov]; Benton, Donald[benton.donald@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
Sent: Wed 3/8/2017 11:59:00 AM
Subject: RE: Checking in

-----Original Message-----

From: Schnare, David
Sent: Wednesday, March 8, 2017 6:58 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Checking in

Mike Flynn and I hold an afternoon meeting with selected AO staff to figure out what we need to get before the Administrator at the next morning's Chief of Staff meeting. You are welcome. The time of the meeting tends to bounce around between 3 and 4. Mike Flynn sets this up. I'm cc'ing him on this to ensure you are invited.

D.

-----Original Message-----

From: Dravis, Samantha
Sent: Wednesday, March 8, 2017 6:56 AM
To: Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: FW: Checking in

Good morning gentlemen!

I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that going forward instead of Shannon. Could you forward me calendar invitations?

Thank you!

-----Original Message-----

From: Kenny, Shannon
Sent: Tuesday, March 7, 2017 5:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject: Checking in

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

To: Reeder, John[Reeder.John@epa.gov]
Sent: Wed 3/8/2017 11:57:58 AM
Subject: FW: Checking in

I hope that I have made this change

-----Original Message-----
From: Dravis, Samantha
Sent: Wednesday, March 8, 2017 6:54 AM
To: Kenny, Shannon <Kenny.Shannon@epa.gov>
Subject: FW: Checking in

Shannon,

Ex. 5 - Deliberative Process

Thank you Shannon. As always, if we need to discuss or talk please come on in.

Samantha

-----Original Message-----
From: Kenny, Shannon
Sent: Tuesday, March 7, 2017 5:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject: Checking in

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

From: Rees, Sarah
Location: 3513A
Importance: Normal
Subject: Accepted: Chlorpyrifos
Start Date/Time: Mon 3/6/2017 9:00:00 PM
End Date/Time: Mon 3/6/2017 9:30:00 PM

From: McGartland, Al
Location: 3513A
Importance: Normal
Subject: Accepted: Chlorpyrifos
Start Date/Time: Mon 3/6/2017 9:00:00 PM
End Date/Time: Mon 3/6/2017 9:30:00 PM

From: Microsoft Outlook
Location: 3513A
Importance: Normal
Subject: Meeting Forward Notification: Chlorpyrifos
Start Date/Time: Mon 3/6/2017 9:00:00 PM
End Date/Time: Mon 3/6/2017 9:30:00 PM

Your meeting was forwarded

Kime, Robin has forwarded your meeting request to additional recipients.

Meeting

Chlorpyrifos

Meeting Time

Monday, 06 March 2017 16:00-16:30.

Recipients

McGartland, Al

Rees, Sarah

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Willis, Sharnett
Location: 3402 WJC-N
Importance: Normal
Subject: Discussion on Chlorpyrifos (pre-brief for the Administrator)
Start Date/Time: Thur 3/9/2017 7:00:00 PM
End Date/Time: Thur 3/9/2017 7:30:00 PM

From: DCRoomARN3500/OPEI
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Accepted: Chlorpyrifos - Invitees Only
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Your request was accepted.

Sent by Microsoft Exchange Server 2016

From: Kime, Robin
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Accepted: Chlorpyrifos - Invitees Only
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

From: Microsoft Outlook
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Meeting Forward Notification: Chlorpyrifos
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Your meeting was forwarded

Kime, Robin has forwarded your meeting request to additional recipients.

Meeting

Chlorpyrifos

Meeting Time

Friday, 03 March 2017 10:00-10:30.

Recipients

Brown, Byron

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Nickerson, William
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Accepted: Chlorpyrifos
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

From: DCRoomARN3500/OPEI
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Declined: Chlorpyrifos
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Your meeting request was declined.

You don't have permission to book this resource.

Sent by Microsoft Exchange Server 2016

From: Inge, Carolyn
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Accepted: Chlorpyrifos
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

From: Microsoft Outlook
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Meeting Forward Notification: Chlorpyrifos
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Your meeting was forwarded

Inge, Carolyn has forwarded your meeting request to additional recipients.

Meeting

Chlorpyrifos

Meeting Time

Friday, 03 March 2017 10:00-10:30.

Recipients

Reeb, Sarah

Nickerson, William

Kime, Robin

Inge, Carolyn

DCRoomARN3500/OPEI

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Inge, Carolyn
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Chlorpyrifos - Invitees Only
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Contact Robin with questions 564-6587.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Paul Schlegel
Sent: Thur 3/30/2017 4:35:17 PM
Subject: RE: News release - Farm Bureau Praises EPA Chlorpyrifos Decision

Samantha –

I know you guys must be swamped, but if you were able to find time on your calendar when I could swing by with a couple of folks we'd be very grateful.

Thanks

Paul

Paul Schlegel

Director, Energy and Environment Team

Direct: (202) 406-3687

Cell: Ex. 6 - Personal Privacy

Email: pauls@fb.org

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Thursday, March 30, 2017 12:34 PM
To: Paul Schlegel; Kreutzer, David
Subject: RE: News release - Farm Bureau Praises EPA Chlorpyrifos Decision

Thank you, Paul for your support.

From: Paul Schlegel [mailto:pauls@fb.org]
Sent: Thursday, March 30, 2017 10:56 AM
To: Kreutzer, David <kreutzer.david@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: News release - Farm Bureau Praises EPA Chlorpyrifos Decision

David & Samantha –

I wanted you to the press statement we have issued. We're very supportive of the Administrator's decision yesterday.

Paul

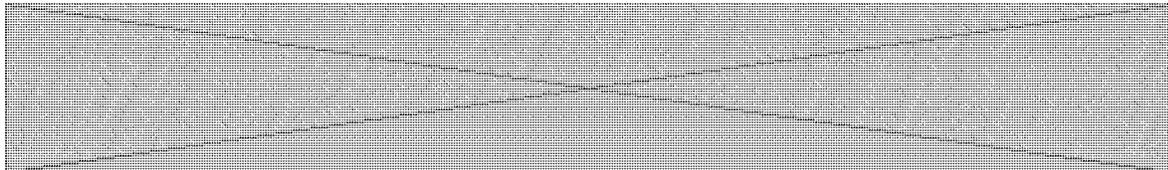
Paul Schlegel

Director, Energy and Environment Team

Direct: (202) 406-3687

Cell: Ex. 6 - Personal Privacy

Email: pauls@fb.org



Contacts: Will Rodger
(202) 406-3642
willr@fb.org

Kari Barbic
(202) 406-3672
karib@fb.org

Farm Bureau Praises EPA Chlorpyrifos Decision

WASHINGTON, D.C., March 30, 2017 – American Farm Bureau Federation President Zippy Duvall today applauded Environmental Protection Agency Administrator Scott Pruitt for rejecting a petition that would have eliminated the use of chlorpyrifos in agriculture.

“Farmers nationwide depend on chlorpyrifos in managing their crops,” Duvall said. “It is widely and safely used for a wide range of crops, including alfalfa, citrus, vegetables, soybeans, almonds and others. It also protects hundreds of thousands of acres of grass seed production, where it controls aphids, cutworms and other pests. As USDA has noted, chlorpyrifos has been used as a part of environmentally friendly IPM (integrated pest management) programs for nearly 50 years.”

Duvall noted that the chemical is still subject to registration review and any concerns about its safe use can be addressed in that process.

AFBF earlier filed comments with EPA expressing concern over the agency’s approach. The agency had apparently relied on epidemiological studies even though researchers had failed to share raw data with the agency. EPA’s own Scientific Advisory Panel, as well as USDA, had expressed caution about how the agency used the epidemiological study.

To: Dravis, Samantha[dravis.samantha@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]
Cc: Reeder, John[Reeder.John@epa.gov]; Schnare, David[schnare.david@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Anderson, Denise[anderson.denise@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]
From: Flynn, Mike
Sent: Tue 3/7/2017 5:11:26 PM
Subject: List of Requested Briefings
[Priority Briefings.docx](#)

Hi Samantha,

As you know, there are numerous briefings for the Administrator that have been requested by the program offices, that Ryan has asked to set up, or may have been mentioned in the program office briefings for the Administrator (a couple of which you attended). To help Ryan and the scheduling team, I had folks put together a list of the requested briefings (attached). The first group are the ones that seem to be the most urgent. We've gone over this with Michelle and wanted to get your and your team's input before sharing with Ryan. I'd like to share with Ryan later today so he can confirm which meetings he would like to be scheduled with the Administrator in the short term.

This is just to jump start getting key meetings on the calendar for the Administrator. I realize more discussions with Ryan will be needed going forward to make sure we have a smooth process with everyone involved who needs to be.

Thanks for your help.

Mike

Mike Flynn

Acting Deputy Administrator

U.S. Environmental Protection Agency

202-564-4711

**ADMINISTRATOR PRIORITY
REQUESTED BRIEFINGS**

GROUP 1:

	OFFICE Lead/Support	SUBJECT
Ex. 5 - Deliberative Process		

GROUP 2:

	OFFICE Lead/Support	SUBJECT
Ex. 5 - Deliberative Process		

To: Dravis, Samantha[dravis.samantha@epa.gov]; Benton, Donald[benton.donald@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Schnare, David
Sent: Wed 3/8/2017 11:58:00 AM
Subject: RE: Checking in

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D.

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Thank you!

-----Original Message-----

From: Kenny, Shannon
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Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject: Checking in

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Kime, Robin
Sent: Wed 3/29/2017 7:48:03 PM
Subject: Full Text - Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances
Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances.pdf

Attached is the full text of the order.

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-1005; FRL-9960-77]

Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Order.

SUMMARY: In this Order, EPA denies a petition requesting that EPA revoke all tolerances for the pesticide chlorpyrifos under section 408(d) of the Federal Food, Drug, and Cosmetic Act and cancel all chlorpyrifos registrations under the Federal Insecticide, Fungicide and Rodenticide Act. The petition was filed in September 2007 by the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC).

DATES: This Order is effective [*insert date of publication in the Federal Register*].

Objections and requests for hearings must be received on or before [*insert date 60 days after date of publication in the Federal Register*], and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I. of the

SUPPLEMENTARY INFORMATION.)

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2007-1005, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday,

excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-0206; email address: *OPPChlorpyrifosInquiries@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

In this document EPA denies a petition by PANNA and the NRDC to revoke pesticide tolerances and cancel pesticide registrations. This action may also be of interest to agricultural producers, food manufacturers, or pesticide manufacturers. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (North American Industrial Classification System (NAICS) code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g. agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.

- Pesticide manufacturing (NAICS code 32532), e.g. agricultural workers; commercial applicators; farmers, greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The NAICS codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

EPA has established a docket for this action under Docket ID No. EPA-HQ-OPP-2007-1005. Additional information relevant to this action is located in the chlorpyrifos registration review docket under Docket ID No, EPA-HQ-OPP-2008-0850 and the chlorpyrifos tolerance rulemaking docket under Docket ID No, EPA-HQ-OPP-2015-0653. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic

docket or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m. Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 346a(g)), any person may file an objection to any aspect of this order and may also request a hearing on those objections. You must file your objection or request a hearing on this order in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2007-1005 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before [*insert date 60 days after date of publication in the Federal Register*], and may be submitted by one of the following methods:

- *Mail*: U.S. EPA Office of Administrative Law Judges, Mailcode 1900R, 1200 Pennsylvania Ave., NW., Washington, DC 20460

- *Hand Delivery*: U.S. Environmental Protection Agency Office of Administrative Law Judges, Ronald Reagan Building, Rm. M1200, 1300 Pennsylvania Ave., NW., Washington, DC 20004. Deliveries are only accepted during the Office's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Office's telephone number is (202) 564-6255.

In addition to filing an objection or hearing request with the Hearing Clerk as

described in 40 CFR part 178, please submit a copy of the filing that does not contain CBI for inclusion in the public docket that is described in I.B.1 above. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA-HQ-OPP-2007-1005, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency Office of Pesticide Programs (OPP) Public Regulatory Docket (7502P), 1200 Pennsylvania, Ave., NW, Washington DC 20460-0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

D. What Should be Included in Objections?

The objection stage is the second stage in the petition process under FFDC section 408. This multi-stage process is initiated by a petition requesting establishment, modification, or revocation of a tolerance. Once EPA makes a decision on a petition, and publishes its decision in the Federal Register, the second stage of the petition process is triggered. At this point, parties who disagree with EPA's decision, whether it is a decision to grant or deny the petition, may file objections with EPA to the decision made.

The objection stage gives parties a chance to seek review of EPA's decision before the Agency. This is an opportunity for parties to contest the conclusions EPA reached and the determinations underlying those conclusions. As an administrative review stage, it is not an opportunity to raise new issues or arguments or present facts or information that were available earlier. On the other hand, parties must do more than repeat the claims in the petition. The objection stage is the opportunity to challenge EPA's decision on the petition. An objection fails on its face if it does not identify aspects of EPA's decision believed to be in error and explain the reason why EPA's decision is incorrect. This two-stage process insures that issues are fully aired before the Agency and a comprehensive record is compiled, prior to judicial review.

II. Introduction

A. What Action is the Agency Taking?

In this document, EPA denies a petition by PANNA and the NRDC. In a petition dated September 12, 2007, PANNA and NRDC (the petitioners) requested that EPA revoke all tolerances for the pesticide chlorpyrifos established under section 408 of the FFDCA. (Ref. 1) The petition also sought the cancellation of all chlorpyrifos pesticide product registrations under section 6 the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136d. The PANNA and NRDC petition (the Petition) raised the following claims regarding EPA's reregistration and active registrations of chlorpyrifos in support of the request for tolerance revocation and product cancellation:

1. EPA has ignored genetic evidence of vulnerable populations.
2. EPA has needlessly delayed a decision regarding endocrine disrupting effects.
3. EPA has ignored data regarding cancer risks.

4. EPA's 2006 cumulative risk assessment (CRA) for the organophosphates misrepresented risks and failed to apply FQPA 10X safety factor. [For convenience's sake, the legal requirements regarding the additional safety margin for infants and children in section 408(b)(2)(C) of the FFDCA are referred to throughout this response as the "FQPA 10X safety factor" or simply the "FQPA safety factor." Due to Congress' focus on both pre- and post-natal toxicity, EPA has interpreted this additional safety factor as pertaining to risks to infants and children that arise due to pre-natal exposure as well as to exposure during childhood years.]

5. EPA has over-relied on registrant data.

6. EPA has failed to properly address the exporting hazard in foreign countries from chlorpyrifos.

7. EPA has failed to quantitatively incorporate data demonstrating long-lasting effects from early life exposure to chlorpyrifos in children.

8. EPA has disregarded data demonstrating that there is no evidence of a safe level of exposure during pre-birth and early life stages.

9. EPA has failed to cite or quantitatively incorporate studies and clinical reports suggesting potential adverse effects below 10% cholinesterase inhibition.

10. EPA has failed to incorporate inhalation routes of exposure.

In this order EPA is denying the Petition in full. EPA provided the petitioners with two interim responses on July 16, 2012, and July 15, 2014, respectively. The July 16, 2012, response denied claim 6 (export hazard) completely and that portion of the response was a final agency action. The remainder of the July 16, 2012, response and the July 15, 2014, response expressed EPA's intention to deny six other petition claims (1-5

and 10). [In the 2012 response, EPA did, however, inform petitioners of its approval of label mitigation (in the form of rate reductions and spray drift buffers) to reduce bystander risks, including risks from inhalation exposure, which in effect partially granted petition claim 10.] EPA made clear in both the 2012 and 2014 responses that, absent a request from petitioners, EPA's denial of those six claims would not be made final until EPA finalized its response to the entire Petition. Petitioners made no such request. EPA is finalizing its denial of those six claims in this order.

The remaining claims (7-9) all related to same issue: whether the potential exists for chlorpyrifos to cause neurodevelopmental effects in children at exposure levels below EPA's existing regulatory standard (10% cholinesterase inhibition). While these claims raised novel, highly complex and unresolved scientific issues, EPA decided it would nonetheless expedite the registration review of chlorpyrifos under FIFRA section 3(g), and attempt to address these issues several years in advance of the October 1, 2022 deadline for completing that review. Accordingly, EPA also decided as a policy matter that it would address the Petition claims raising these matters on a similar timeframe. Although EPA had expedited its registration review to address these issues, the petitioners were not satisfied with EPA's progress in responding to the Petition and they brought legal action in the 9th Circuit Court of Appeals to compel EPA to either issue an order denying the Petition or to grant the Petition by initiating the tolerance revocation process. In August 2015, the 9th Circuit issued a ruling in favor of the petitioners and ordered EPA to respond to the Petition by either denying the Petition or issuing a proposed or final rule revoking chlorpyrifos tolerances. *In re Pesticide Action Network of North America v. EPA*, 798 F.3d (9th Cir. 2015).

On November 6, 2015, pursuant to the 9th Circuit's order, EPA proposed to revoke all chlorpyrifos tolerances based in part on uncertainty surrounding the potential for chlorpyrifos to cause neurodevelopmental effects – the issue raised in petition claims 7-9. Following publication of the proposal, the 9th Circuit announced that it would retain jurisdiction over this matter and on August 12, 2016, the court further ordered EPA to complete a final petition response by March 31, 2017 and made clear that no further extensions would be granted. On November 17, 2016, EPA published a notice of data availability that released for public comment EPA's revised risk assessment that proposed a new regulatory point of departure based on the potential for chlorpyrifos to result in adverse neurodevelopmental effects.

Following a review of comments on both the November 2015 proposal and the November 2016 notice of data availability, EPA has concluded that, despite several years of study, the science addressing neurodevelopmental effects remains unresolved and that further evaluation of the science during the remaining time for completion of registration review is warranted to achieve greater certainty as to whether the potential exists for adverse neurodevelopmental effects to occur from current human exposures to chlorpyrifos. EPA has therefore concluded that it will not complete the human health portion of the registration review or any associated tolerance revocation of chlorpyrifos without first attempting to come to a clearer scientific resolution on those issues. As noted, Congress has provided that EPA must complete registration review by October 1, 2022. Because the 9th Circuit's August 12, 2016 order has made clear, however, that further extensions to the March 31, 2017 deadline for responding to the Petition would not be granted, EPA is today also denying all remaining petition claims.

B. What Is the Agency's Authority for Taking This Action?

Under section 408(d)(4) of the FFDCA, EPA is authorized to respond to a section 408(d) petition to revoke tolerance either by issuing a final rule revoking the tolerances, issuing a proposed rule, or issuing an order denying the Petition.

III. Statutory and Regulatory Background

A. FFDCA/FIFRA and Applicable Regulations

1. *In general.* EPA establishes maximum residue limits, or “tolerances,” for pesticide residues in food and feed commodities under section 408 of the FFDCA. Without such a tolerance or an exemption from the requirement of a tolerance, a food containing a pesticide residue is “adulterated” under section 402 of the FFDCA and may not be legally moved in interstate commerce. Section 408 was substantially rewritten by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170, 110 Stat. 1489 (1996)), which established a detailed safety standard for pesticides and integrated EPA’s regulation of pesticide food residues under the FFDCA with EPA’s registration and re-evaluation of pesticides under FIFRA. The standard for issuing or maintaining a tolerance under section 408(b)(2)(A)(i) of the FFDCA is whether it is “safe.” “Safe” is defined by section 408(b)(2)(A)(ii) to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.”

While the FFDCA authorizes the establishment of legal limits for pesticide residues in food, section 3(a) of FIFRA requires the approval of pesticides prior to their

sale and distribution, and establishes a registration regime for regulating the use of pesticides. FIFRA regulates pesticide use in conjunction with its registration scheme by requiring EPA review and approval of pesticide labels and specifying that use of a pesticide inconsistent with its label is a violation of federal law. In the FQPA, Congress integrated action under the two statutes by requiring that the safety standard under the FFDCA be used as a criterion in FIFRA registration actions as to pesticide uses which result in dietary risk from residues in or on food, (*see* FIFRA section 2(bb)), and directing that EPA coordinate, to the extent practicable, revocations of tolerances with pesticide cancellations under FIFRA. (*see* FFDCA section 408(l)(1)). Under section 3(g) of FIFRA, EPA is required to re-evaluate pesticides under the FIFRA standard – which includes a determination regarding the safety of existing FFDCA tolerances – every 15 years under a program known as “registration review.” The deadline for completing the registration review for chlorpyrifos is October 1, 2022.

2. *Procedures for establishing, amending, or revoking tolerances.* Tolerances are established, amended, or revoked by rulemaking under the unique procedural framework set forth in the FFDCA. Generally, a tolerance rulemaking is initiated by the party seeking to establish, amend, or revoke a tolerance by means of filing a petition with EPA. (*See* FFDCA section 408(d)(1)). EPA publishes in the **Federal Register** a notice of the petition filing and requests public comment. After reviewing the petition, and any comments received on it, section 408(d)(4) provides that EPA may issue a final rule establishing, amending, or revoking the tolerance, issue a proposed rule to do the same, or deny the petition.

Once EPA takes final action on the petition by establishing, amending, or

revoking the tolerance or denying the petition, section 408(g)(2) allows any party to file objections with EPA and seek an evidentiary hearing on those objections. Objections and hearing requests must be filed within 60 days. Section 408(g)(2)(B) provides that EPA shall “hold a public evidentiary hearing if and to the extent the Administrator determines that such a public hearing is necessary to receive factual evidence relevant to material issues of fact raised by the objections.” EPA regulations make clear that hearings will only be granted where it is shown that there is “a genuine and substantial issue of fact,” the requestor has identified evidence “which “would, if established, resolve one or more of such issues in favor of the requestor,” and the issue is “determinative” with regard to the relief requested. (40 CFR 178.32(b)). Further, a party may not raise issues in objections unless they were part of the petition and an objecting party must state objections to the EPA decision and not just repeat the allegations in its petition. *Corn Growers v. EPA*, 613 F.2d 266 (D.C. Cir. 2010), cert. denied, 131 S. Ct. 2931 (2011). EPA’s final order on the objections is subject to judicial review. (21 U.S.C. 346a(h)(1)).

IV. Chlorpyrifos Regulatory Background

Chlorpyrifos (0,0-diethyl-0-3,5,6-trichloro-2-pyridyl phosphorothioate) is a broad-spectrum, chlorinated organophosphate (OP) insecticide that has been registered for use in the United States since 1965. By pounds of active ingredient, it is the most widely used conventional insecticide in the country. Currently registered use sites include a large variety of food crops (including tree fruits and nuts, many types of small fruits and vegetables, including vegetable seed treatments, grain/oilseed crops, and cotton, for example), and non-food use settings (e.g., ornamental and agricultural seed production, non-residential turf, industrial sites/rights of way, greenhouse and nursery production,

sod farms, pulpwood production, public health and wood protection). For some of these crops, chlorpyrifos is currently the only cost-effective choice for control of certain insect pests. In 2000, the chlorpyrifos registrants reached an agreement with EPA to voluntarily cancel all residential use products except those registered for ant and roach baits in child-resistant packaging and fire ant mound treatments.

In 2006, EPA completed FIFRA section 4 reregistration and FFDCA tolerance reassessment for chlorpyrifos and the OP class of pesticides. Having completed reregistration and tolerance reassessment, EPA is required to complete the next re-evaluation of chlorpyrifos under the FIFRA section 3(g) registration review program by October 1, 2022. Given ongoing scientific developments in the study of the OPs generally, in March 2009 EPA announced its decision to prioritize the FIFRA section 3(g) registration review of chlorpyrifos by opening a public docket and releasing a preliminary work plan to complete the chlorpyrifos registration review by 2015 – 7 years in advance of the date required by law.

The registration review of chlorpyrifos and the OPs has presented EPA with numerous novel scientific issues that the agency has taken to multiple FIFRA Scientific Advisory Panel (SAP) meetings since the completion of reregistration. [The SAP is a federal advisory committee created by section 25(d) of FIFRA, that serves as EPA's primary source of peer review for significant regulatory and policy matters involving pesticides.] Many of these complex scientific issues formed the basis of the 2007 petition filed by PANNA and NRDC and EPA therefore decided to address the Petition on a similar timeframe to EPA's expedited registration review schedule.

Although EPA expedited the chlorpyrifos registration review in an attempt to

address the novel scientific issues raised by the Petition in advance of the statutory deadline, the petitioners were dissatisfied with the pace of EPA's response efforts and have sued EPA in federal court on three separate occasions to compel a faster response to the Petition. As explained in Unit V., EPA had addressed 7 of the 10 claims asserted in the Petition by either denying the claim, issuing a preliminary denial or approving label mitigation to address the claims, but on June 10, 2015, in the *PANNA* decision, the U.S. Court of Appeals for the Ninth Circuit signaled its intent to order EPA to complete its response to the Petition and directed EPA to inform the court how – and by when – EPA intended to respond. On June 30, 2015, EPA informed the court that it intended to propose by April 15, 2016, the revocation of all chlorpyrifos tolerances in the absence of pesticide label mitigation that ensures that exposures will be safe. On August 10, 2015, the court rejected EPA's time line and issued a mandamus order directing EPA to "issue either a proposed or final revocation rule or a full and final response to the administrative Petition by October 31, 2015."

On October 30, 2015, EPA issued a proposed rule to revoke all chlorpyrifos tolerances which it published in the Federal Register on November 6, 2015 (80 FR 69080). On December 10, 2015, the Ninth Circuit issued a further order requiring EPA to complete any final rule (or petition denial) and fully respond to the Petition by December 30, 2016. On June 30, 2016, EPA sought a 6-month extension to that deadline in order to allow EPA to fully consider the most recent views of the FIFRA SAP with respect to chlorpyrifos toxicology. The FIFRA SAP report was finalized and made available for EPA consideration on July 20, 2016. (Ref. 2) On August 12, 2016, the court rejected EPA's request for a 6-month extension and ordered EPA to complete its final action by

March 31, 2017 (effectively granting EPA a three-month extension). On November 17, 2016, EPA published a notice of data availability (NODA) seeking public comment on both EPA's revised risk and water assessments and reopening the comment period on the proposal to revoke all chlorpyrifos (81 FR 81049). The comment period for the NODA closed on January 17, 2017.

V. Ruling on Petition

This order denies the Petition on the nine remaining grounds for which EPA has not issued a final denial that can be the subject of objections under section 408(g)(2) of the FFDCA. As noted in Unit II, on July 16, 2012, EPA denied as final agency action petitioners' claim 6 that the registration of chlorpyrifos created an export hazard for workers in foreign countries. That response and the response of July 15, 2014, also included EPA's preliminary denial of petition claims 1-5 and 10 (except to the extent EPA granted that claim) and EPA's responses to those claims are now incorporated into this order as set forth below. This unit also includes EPA's basis for denying petition claims 7-9. Each specific petition claim is summarized in this Unit V. immediately prior to EPA's response to the claim.

1. Genetic Evidence of Vulnerable Populations

a. Petitioners' claim. Petitioners claim that as part of EPA's reregistration decision (which was completed in 2006 with the completion of the organophosphate cumulative risk assessment) the Agency failed to calculate an appropriate intra-species uncertainty factor (i.e., within human variability) for chlorpyrifos in both its aggregate and cumulative risk assessments (CRA). They assert that certain relevant, robust data, specifically the Furlong et al. (2006) study (Ref. 3) that addresses intra-species variability

in the behavior of the detoxifying enzyme paraoxonase (PON1), indicate that the Agency should have applied an intra-species safety factor “of at least 150X in the aggregate and cumulative assessments” rather than the 10X factor EPA applied. Petitioners conclude by noting that applying an intra-species factor of 100X or higher would require setting tolerances below the level of detection, which therefore should compel EPA to revoke all chlorpyrifos tolerances.

b. *Agency Response.* Petitioners are correct that the Agency, as part of the 2006 OP CRA, evaluated, but did not rely on Furlong et al. in setting the intra-species uncertainty factor for that assessment. The Agency did not rely on the results of the PON1 data in the OP CRA because these data do not take into consideration the complexity of OP metabolism, which involves multiple metabolic enzymes, not just PON1. In addition, EPA believes the methodology utilized in the Furlong et al. study to measure intra-species variability – i.e., combining values from multiple species (transgenic mice and human) to determine the range of sensitivity within a single species – is not consistent with well-established international risk assessment practices. Further, EPA believes that petitioners’ assertion that the Furlong et al. study supports an intra-species uncertainty factor of at least 150X is based on an analysis of the data that is inconsistent with EPA policy and widely-accepted international guidance on the development of intra-species uncertainty factors. In addition, the 2008 FIFRA SAP did not support the use of the Furlong et al (2006) study alone in deriving an intra-species factor. For these reasons, and as further explained below, EPA believes it is not appropriate to solely rely on the results of the Furlong et al. study, or petitioners’ interpretation of those results, for purposes of determining the intra-species uncertainty

factor. To determine that factor, EPA first uses science tools to quantitatively characterize human variability in both exposure and dosimetry, and then determines the appropriate intra-species uncertainty factor to protect sensitive populations. Specifically, for chlorpyrifos, EPA uses a physiologically-based pharmacokinetic (PBPK) model to account for human variability in the absorption, distribution, metabolism and excretion (ADME) of chemicals based on key physiological, biochemical, and physicochemical determinants of these ADME processes, including the influence of PON1 variability.

Addressing human variability and sensitive populations is an important aspect of the Agency's risk assessment process. The Agency is well aware of the issue of PON1 and has examined the scientific evidence on this source of genetic variability. PON1 is one of the key detoxification enzymes of chlorpyrifos and is included as part of the PBPK model used by EPA in the 2014 human health risk assessment (HHRA) and 2016 revised risk assessment. Specifically, PON1 is an A-esterase which can metabolize chlorpyrifos-oxon without inactivating the enzyme. (Ref. 4) Indeed, as part of the 2008 SAP, EPA performed a literature review of PON1 and its possible use in informing the intra-species (i.e., within human variability) uncertainty factor. This literature review can be found in the draft Appendix E: Data Derived Extrapolation Factor Analysis to the draft Science Issue Paper: Chlorpyrifos Hazard and Dose Response Characterization.(Ref. 5) In sum, the Agency considered available PON1 data from more than 25 studies from diverse human populations worldwide.

The Agency focused on the PON1-192 polymorphism since it has been linked to chlorpyrifos-oxon sensitivity in experimental toxicology studies and, has been evaluated in epidemiology studies attempting to associate PON1 status with health outcomes

following OP pesticide exposure in adults and children (Holland et al., 2006; Chen et al., 2003. (Ref. 6). [Note, Holland et al (2006) and Furlong et al (2006) report findings from the same cohort. The Holland reference provides enzymes activities for specific polymorphisms in Table 4; the Furlong paper does not report such values and provides information primarily in graphical form.] However, EPA believes that focusing on PON1 variability in isolation from other metabolic action is not an appropriate approach for developing a data-driven uncertainty factor. The Agency solicited feedback from the SAP on the utility of the PON1 data, by itself, for use in risk assessment; the SAP was similarly not supportive of using such data in isolation. Specifically, the SAP report states:

“...the information on PON1 polymorphisms should not be used as the sole factor in a data-derived uncertainty factor for two main reasons: 1) it is only one enzyme in a complex pathway, and is subsequent to the bioactivation reaction; therefore it can only function on the amount of bioactivation product (i.e., chlorpyrifos-oxon) that is delivered to it by CYP450); and 2) the genotype of PON1 alone is insufficient to predict vulnerability because the overall level of enzyme activity is ultimately what determines detoxification potential from that pathway; thus, it is better to use PON1 status because it provides information regarding PON1 genotype and activity. Some of the data from laboratory animal studies in PON knockout animals are using an unrealistic animal model and frequently very high dose levels, and do not reflect what might happen in humans.” (Ref. 7)

Based on a detailed review of the literature and the comments from the SAP, the Agency has determined that such data are not appropriate for use alone in deriving an intra-species uncertainty factor for use in human health risk assessment. As indicated by the SAP report, multiple factors (e.g., other enzymes such as P450s, carboxylesterases, butyrylcholinesterase) are likely to impact potential population sensitivity, rendering the results of the PON1 data, by themselves, insufficiently reliable to support a regulatory

conclusion about the potential variation of human sensitivity to chlorpyrifos.

Since the 2008 SAP, several epidemiological studies have been published that considered the association between PON status/genotype and health outcome. Hofmann et al. (2009) recently reported associations between PON1 status and inhibition of butyrylcholinesterase (BuChE) in a group of pesticide handlers in Washington. The authors note that this study requires replication with larger sample size(s) and more blood samples. (Ref. 8) Given the limitations of Hofmann et al., the Agency has not drawn any conclusions from this study. The Q/R-192 and/or C/T -108 polymorphism at the promoter site have been evaluated recently as a factor affecting birth or neurobehavioral outcomes following gestational exposure to OPs. (Refs. 9, 10, 11) These studies (Eskanazi, et al., 2010 (Ref. 9); Harley et al., 2011 (Ref. 10); Engel et al., 2011 (Ref. 11)) were evaluated by EPA in preparation for the April 2012 SAP review.

Petitioners further emphasize that the Furlong et al. study supports an intra-species uncertainty factor of over 164X given the range of variability seen in that study. The 164X value is derived from sensitivity observed in transgenic mice expressing human PON1Q-192 compared with mice expressing human PON1R-192 combined with the range of plasma arylesterase (AREase) from the newborn with the lowest PON1 level compared with the mother with the highest PON1 level from a group of 130 maternal-newborn pairs from the CHAMACOS (Center for the Health Assessment of Mothers and Children of Salinas) cohort.

EPA believes it is fundamentally at odds with international risk assessment practices to combine values from both mouse and human data to determine the potential

range of variability within a single species – regardless of whether the test animals express a human PON1 enzyme. As the 2008 FIFRA SAP explained, PON1 is but a single enzyme that should not be considered in isolation to predict the overall level of enzyme activity that may affect human sensitivity to a substance. Using a 164X intra-species uncertainty factor derived from the Furlong et al. study would take this practice one step further by relying upon combined PON1 values from different species with differing overall metabolic activity to derive the intra-species factor. EPA does not believe this approach is an appropriate means of determining the potential range of intra-species variability.

Finally, petitioners' assertion that the Furlong study supports an intra-species uncertainty factor of at least 150X is based on an analysis of that study that is inconsistent with EPA policy and widely-accepted international guidance on the development of intra-species uncertainty factors. In deriving the intra-species uncertainty factor in its risk assessments, EPA is guided by the principles of the 2005 IPCS (Ref. 12) guidance on chemical specific adjustment factors (CSAFs) and the EPA's 2014 Guidance for Applying Quantitative Data to Develop Data-Derived Extrapolation Factors for Interspecies and Intraspecies Extrapolation. (Ref. 13) These guidances recommend that intra-species factors should be extrapolated from a measure of central tendency in the population to a measure in the sensitive population (i.e., to extrapolate from a typical human to a sensitive human). To base the factor on the difference between the single lowest and highest measurements in a given study, as petitioners suggest in this instance, would likely greatly exaggerate potential intra-species variability. That approach effectively assumes that the point of departure in an EPA risk assessment will be derived

from the least sensitive test subject, thereby necessitating the application of an intra-species factor that accounts for the full range of sensitivity across a species. Since EPA does not develop its PoDs in this fashion; the approach suggested by petitioners is not appropriate.

In summary, the Agency has carefully considered the issue of PON1 variability and determined that data addressing PON1 in isolation are not appropriate for use alone in deriving an intra-species uncertainty factor and that the issue is more appropriately handled using a PBPK model. Further, the derivation of the 164X value advocated by the petitioners is based on combining values from humanized mice with human measured values with a range from highest to lowest; the Furlong et al. derivation is inappropriate and inconsistent with international risk assessment practice. (Ref. 2) The 2008 FIFRA SAP did not support the PON1 data used in isolation. Finally, petitioners' statement that the Furlong et al. study supports an intra-species uncertainty factor of at least 150X likely overstates potential variability. EPA therefore denies this aspect of the Petition.

2. Endocrine Disrupting Effects

a. Petitioners' claim. Petitioners summarize a number of studies evaluating the effects of chlorpyrifos on the endocrine system, asserting that, taken together, the studies "suggest that chlorpyrifos may be an endocrine disrupting chemical, capable of interfering with multiple hormones controlling reproduction and neurodevelopment." The petitioners then assert that EPA should not have delayed consideration of endocrine effects absent finalization of the Endocrine Disruptor Screening Program (EDSP) (Ref. 14) and should have quantitatively incorporated the studies into the chlorpyrifos IRED.

b. Agency Response. This portion of the Petition appears largely to be a complaint

about the completeness of EPA's reregistration decision and a request that EPA undertake quantitative incorporation of endocrine endpoints into its assessment of chlorpyrifos. The Petition does not explain whether and how endocrine effects should form the basis of a decision to revoke tolerances. The basis for seeking revocation of a tolerance is a showing that the pesticide is not "safe." Petitioners have neither asserted that EPA should revoke tolerances because effects on the endocrine system render the tolerances unsafe, nor have petitioners submitted a factual analysis demonstrating that aggregate exposure to chlorpyrifos presents an unsafe risk to humans based on effects on the endocrine system. Rather, the Petition appears to collect a number of studies suggesting that chlorpyrifos may have effects on the endocrine system and that EPA should have considered those health impacts at reregistration in a quantitative assessment.

To the extent that petitioners are seeking tolerance revocation on these grounds, the Petition fails to provide a sufficient basis for revocation because, in addition to the preceding defects, the cited data do not provide quantitative data (i.e. endpoints/points of departure) that indicate endocrine effects at doses that are more sensitive than the points of departure used in the chlorpyrifos risk assessment that are based on cholinesterase inhibition. While the cited studies provide qualitative information that exposure to chlorpyrifos may be associated with effects on the androgen and thyroid hormonal pathways, these data alone do not demonstrate that current human exposures from existing tolerances are unsafe. The Agency noted similar effects during its evaluation of information submitted by People for the Ethical Treatment of Animals (PETA) and the Physicians Committee for Responsible Medicine (PCRM) during its review of existing information as part of EPA's EDSP, as discussed below. Based on the review of that

data, EPA concluded that the effects seen in those studies do not call into question EPA's prior safety determinations supporting the existing tolerances; the data do not indicate a risk warranting regulatory action, and the petitioners have provided no specific information to alter this determination.

Consequently, the Petition does not support a conclusion that existing tolerances are unsafe due to potential endocrine effects. This portion of the Petition is therefore denied.

As petitioners may be aware, since the filing of the petition, EPA has completed the evaluation of chlorpyrifos under EPA's EDSP, as required under FFDCA section 408(p) that confirms EPA's conclusions. On April 15, 2009, a **Federal Register** notice was published in which chlorpyrifos was included in the initial list of chemicals (List 1) to receive EDSP Tier 1 test orders. The EDSP program is a two-tiered screening and testing program, Tier 1 and Tier 2 tests. Tier 1 includes 11 assays in the battery; these data are intended to allow EPA to determine whether certain substances (including pesticide active and other ingredients) have the potential to interact with the endocrine system and cause an effect in humans or wildlife similar to an effect produced by a "naturally occurring estrogen, or other such endocrine effects as the Administrator may designate." The purpose of Tier 2 tests is to identify and establish a quantitative, dose-response relationship for any adverse effects that might result from the interactions with the endocrine system.

On November 5, 2009, EPA issued Tier 1 test orders to the registrants of chlorpyrifos, requiring a battery of 11 screening assays to identify the potential to interact with the estrogen, androgen, or thyroid hormonal systems. (Ref. 15)

The agency received and reviewed all 11 EDSP Tier 1 screening assays for chlorpyrifos. On June 29, 2015, the agency completed the EDSP weight of evidence (WoE) conclusions for the Tier 1 screening assays for List 1 chemicals, including chlorpyrifos. In addition to the Tier 1 data, the WoE evaluations considered other scientifically relevant information (OSRI), including general toxicity data and open literature studies of sufficient quality. In determining whether chlorpyrifos interacts with the estrogen, androgen or thyroid pathways, the agency considered the number and type of effects induced, the magnitude and pattern of responses observed across studies, taxa, and sexes. Additionally, the agency also considered the conditions under which effects occurred, in particular whether or not endocrine-related responses occurred at dose(s) that also resulted in general systemic or overt toxicity. The agency concluded that, based on weight of evidence considerations, EDSP Tier 2 testing is not recommended for chlorpyrifos since there was no evidence of potential interaction with the estrogen, androgen and thyroid pathways. The EDSP Tier 1 WoE assessment and associated data evaluation records for chlorpyrifos are available online. (Ref. 16) This assessment further supports EPA's denial of this portion of the Petition.

3. Cancer Risks

a. Petitioners' claim. Petitioners claim that the Agency "ignored" a December 2004 National Institutes of Health Agricultural Health Study (AHS) by Lee et al. (2004) (Ref. 17) that evaluated the association between chlorpyrifos and lung cancer incidence. (Ref. 17) The petition summarizes the results of the AHS study, stating that the incidence of lung cancer has a statistically significant association with chlorpyrifos exposure. The Petition then asserts that these data are highly relevant and therefore should have been

referenced in the final aggregate assessment for chlorpyrifos or the OP CRA. Petitioners do not otherwise explain whether and how these data support the revocation of tolerances or the cancellation of pesticide registrations.

b. Agency Response. As explained in the previous section, the basis for seeking revocation of a tolerance is a showing that the pesticide is not "safe." Claiming that EPA failed to reference certain data in its risk assessment regarding carcinogenicity does not amount to illustrating that the tolerances are unsafe. To show a lack of safety, petitioners would have to present some fact-based argument demonstrating that aggregate exposure to chlorpyrifos poses an unsafe carcinogenic risk. Petitioners have not presented such an analysis. Accordingly, EPA is denying the Petition to revoke chlorpyrifos tolerances or cancel chlorpyrifos registrations to the extent the Petition relies on claims pertaining to carcinogenicity.

Despite the inadequacy of petitioners' cancer claims, in the course of the Agency's review of chlorpyrifos, EPA has examined the Lee et al. study cited by petitioners (Ref. 17) among other lines of evidence. EPA has concluded that the Lee et al. investigation does not alter the Agency's weight of evidence determination concerning chlorpyrifos' carcinogenic potential, and therefore does not alter the Agency's current cancer classification for chlorpyrifos. Specifically, the Agency does not believe this evidence raises sufficient grounds for concern regarding chlorpyrifos that EPA should consider initiating action based upon this information that might lead to revocation of the chlorpyrifos tolerances or cancellation of the chlorpyrifos registrations.

The Agency was aware of the December 2004 study cited by petitioners. While Lee et al. observed a possible association between chlorpyrifos use and the incidence of

lung cancer, the authors also stressed that further evaluation was necessary before concluding the association was causal in nature.(Ref. 17) Additional evaluation is necessary because of possible alternative explanations for the Lee et al. study, which include unmeasured confounding factors or confounding factors not fully accounted for in the analysis, and possible false positive results due to the performance of multiple statistical tests.

EPA has been a collaborating agency with the AHS since 1993, and continues to closely monitor the AHS literature. The Agency is working closely with the AHS researchers to clearly understand the results of their research efforts to ensure the Agency appropriately interprets these data as future studies are published. Between 2003 and 2009 there have been six nested case-control analyses within the AHS which evaluated the use of a number of agricultural pesticides, including chlorpyrifos, in association with specific anatomical cancer sites, in addition to the previously published cohort study (Ref. 17) cited by the petitioners. As noted below, both the Agency and Health Canada have comprehensively reviewed these data.

In accordance with the Agency's 2005 Guideline for Cancer Risk Assessment (Ref. 18), chlorpyrifos is classified as "Not Likely to be Carcinogenic to Humans" based on the lack of evidence of carcinogenicity in male or female mice and male or female rats. In chronic toxicity/ carcinogenicity studies, animals received chlorpyrifos in their feed every day of their lives (78 weeks for mice and 104 weeks for rats) at doses thousands of times greater than any anticipated exposure to humans from authorized uses. There was no evidence of cancer in the experimental animal studies. Additionally, available evidence from *in vivo* and *in vitro* assays did not support a mutagenic or

genotoxic potential of chlorpyrifos.

Recently, the Agency conducted its own review of the six nested case-control analyses and one cohort study within the AHS concerning the carcinogenic potential of chlorpyrifos. (Ref. 19) EPA concluded with respect to the AHS lung cancer results that the findings are useful for generating hypotheses, but require confirmation in future studies. This conclusion is consistent with that of researchers from Health Canada. Specifically, Weichenthal et al. (2010) (Ref. 20) published a review article in Environmental Health Perspectives on pesticide exposure and cancer incidence in the AHS cohort. Their review of these same studies concluded that the weight of experimental toxicological evidence does not suggest that chlorpyrifos is carcinogenic, and that epidemiologic results currently available from the AHS are inconsistent, lack replication, and lack a coherent biologically plausible carcinogenic mode of action. The authors did note positive exposure-response associations for chlorpyrifos and lung cancer in two separate evaluations.

In summary, while there is initial suggestive epidemiological evidence of an association between chlorpyrifos and lung cancer to only form a hypothesis as to a carcinogenic mode of action, additional research (including follow-up AHS research) is needed to test the hypothesis. Consequently, at this time it is reasonable to conclude chlorpyrifos is not a carcinogen in view of the lack of carcinogenicity in the rodent bioassays and the lack of a genotoxic or mutagenic potential. The Agency concludes that existing epidemiological data (including Lee et al.) do not change the current weight of the evidence conclusions. The Agency continues to believe there is not a sufficient basis to alter its assessment of chlorpyrifos as not likely to be carcinogenic to humans when

multiple lines of evidence are considered (e.g., epidemiology findings, rodent bioassay, genotoxicity); therefore, chlorpyrifos cancer risk would not be a factor in any potential Agency risk determination to revoke tolerances for chlorpyrifos.

4. CRA misrepresents risks, failed to apply FQPA 10X Safety Factor

a. Petitioners' claim. Petitioners assert that EPA relied on limited data and inaccurate interpretations of data to support its decision to remove the FQPA safety factor in the 2006 OP CRA. Specifically, the petitioners challenge the Agency's use of data from a paper by Zheng et al. (2000) (Ref. 21) claiming that, in contrast to the Agency's analysis of the study data, the data does show an obvious difference between juvenile and adult responses to chlorpyrifos. Petitioners conclude by asserting that the Zheng et al. study supports using a 10X safety factor for chlorpyrifos in the CRA.

b. Agency Response. Petitioners' assertions do not provide a sufficient basis for revoking chlorpyrifos tolerances. As explained previously, the ground for seeking revocation of a tolerance is a showing that the pesticide is not "safe." The petitioners' claim that the data EPA relied upon support a different FQPA safety factor for chlorpyrifos in the CRA does not amount to a showing that chlorpyrifos tolerances are unsafe. To show a lack of safety, petitioners would have to present a factual analysis demonstrating that the lack of a 10X safety factor in the CRA for chlorpyrifos poses unsafe cumulative exposures to the OPs. Petitioners have not made such a showing. For this reason, EPA is denying the petitioners' request to revoke chlorpyrifos tolerances or cancel chlorpyrifos registrations to the extent that request relies on claims pertaining to EPA's failure to provide a 10X safety factor in the 2006 CRA based on the results of the Zheng et al. study.

Despite the inadequacy of petitioners' FQPA safety factor claims, EPA examined the evidence cited by petitioners for the purpose of evaluating whether the evidence raises sufficient grounds for concern regarding chlorpyrifos that EPA should consider initiating the actions sought by the petitioners.

In general, when the Agency conducts a cumulative assessment, the scope of cumulative risk is limited to the common mechanism endpoint -- which in this case of the 2006 OP CRA, was cholinesterase inhibition, the primary toxicity mode of action for the OPs. As such, for the OP CRA, experimental toxicology data on AChE inhibition were used for developing relative potency estimates, points of departure, and informing the FQPA safety factor used in the OP CRA. EPA relied on brain AChE data from adult female rats dosed for 21 days or longer for estimating relative potency and points of departure. At approximately three weeks of oral exposure to OPs, AChE inhibition reaches steady state in the adult rat such that continued dosing does not result in increased inhibition. This timeframe of toxicity (21-days and longer) was selected as there was high confidence in the potency estimates derived from the steady state toxicology studies due to the stability of the AChE inhibition.

The Agency's 2006 OP CRA contained EPA's complete FQPA safety factor analysis, (Ref. 22) which involved consideration of pre-natal and post-natal experimental toxicology studies, in addition to exposure information. In the OP CRA, pre-natal exposure AChE studies in rats show that the fetus is no more sensitive than the dam to AChE inhibition and the fetus is often less sensitive than the dam. Thus, evaluating the potential for increased toxicity of juveniles from post-natal exposure was a key

component in determining the magnitude of the FQPA safety factors in the OP CRA. Furthermore, because characteristics of children are directly accounted for in the cumulative exposure assessment, the Agency's methods did not underestimate exposure to OPs.

In the 2006 OP CRA, each OP was assigned a 10X FQPA safety factor unless chemical-specific AChE data on young animals were available to generate a data derived safety factor. To best match the relative potency factor (RPF)s and PODs based on repeated dosing, the Agency used repeated dosing data in juveniles for developing the FQPA safety factors. For chlorpyrifos, at the time of the 2006 OP CRA, the only such data available were from the Zheng et al. literature study.

The petitioners are correct that Dr. Carey Pope of Oklahoma State University provided the Agency with the raw data from the Zheng et al. study. These raw data were used to develop the plot in the 2006 OP CRA which was reproduced in the Petition. Petitioners accurately note that for other OPs a benchmark dose modeling approach was used and that no BMD values were reported for chlorpyrifos. In determining the FQPA safety factor, petitioners claim that the Agency misinterpreted the brain AChE data from Zheng et al.

As shown in the plot reproduced on page 15 of the Petition, the dose-response data in the Zheng et al. study are variable and lack a monotonic shape at the low dose end of the dose response curve. The Agency acknowledges that at the high dose, the pups appear to be more sensitive. However, at the low dose end of the response curve, relevant for human exposures and, thus, the cumulative risk assessment (i.e., at or near the 10% inhibition level), little to no difference is observed. Therefore, despite the lack

of BMD estimates for the Zheng et al. study, the Agency is confident in the value used to address the common mechanism endpoint (AChE inhibition) addressed in the 2006 CRA. Since that time, the Agency attempted BMD modeling of the Zheng et al. data as part of the 2011 preliminary chlorpyrifos HHRA (Ref. 23) which yielded low confidence results due to the variability in the data.

Dow AgroSciences submitted a comparative cholinesterase study (CCA) for chlorpyrifos. CCA studies are specially designed studies to compare the dose-response relationship in juvenile and adult rats. This CCA study includes two components: 1) acute, single dosing in post-natal day 11 and young adult rats and 2) 11-days of repeating dosing in rat pups from PND11-21 and 11-days of repeated dosing in adult rats. The CCA study for chlorpyrifos is considered by EPA to be high quality and well-designed. The preliminary risk assessment for chlorpyrifos' reports BMD estimates from this CCA study. Specifically, for the repeated dosing portion of the study, the BMD_{10s} of 0.80 (0.69 BMDL₁₀) and 1.0 (0.95 BMDL₁₀) mg/kg/day respectively for female pups and adults support the FQPA safety factor of 1X for the AChE inhibition endpoint used in the 2006 OP CRA. As such, petitioners' claims regarding the CRA and FQPA safety factor is denied.

5. Over-reliance on registrant data.

a. Petitioners' claims. Petitioners assert that in reregistering chlorpyrifos EPA "cherry picked" data, "ignoring robust, peer-reviewed data in favor of weak, industry-sponsored data to determine that chlorpyrifos could be re-registered and food tolerances be retained." As such, the Agency's reassessment decision is not scientifically defensible.

b. Agency response. This portion of the Petition does not purport to be an independent basis for revoking chlorpyrifos tolerances or cancelling chlorpyrifos registrations. Rather, this claim appears to underlie petitioners' arguments in other sections of the Petition. While petitioners claim that EPA ignored robust, peer-reviewed data in favor of weak, industry-sponsored data for the reregistration of chlorpyrifos, petitioners do not cite to any studies other than those used to support their other claims. In general, petitioners did not provide any studies in the Petition that EPA failed to evaluate. Since the specific studies cited by petitioners are not associated with this claim, but rather their other claims, EPA's response to the specific studies are, therefore, addressed in its responses to petitioners' other claims. However, EPA explains below why, as a general matter, the Agency does not believe it "over-relied" on registrant data in evaluating the risks of chlorpyrifos in its 2006 reregistration decision.

In spite of petitioners' claim, the Agency does not ignore robust, peer-reviewed data in favor of industry-sponsored data. Further, EPA has a very public and well-documented set of procedures that it applies to the use and significance accorded all data utilized to inform risk management decisions. Registrant generated data, in response to FIFRA and FFDCA requirements, are conducted and evaluated in accordance with a series of internationally harmonized and scientifically peer-reviewed study protocols designed to maintain a high standard of scientific quality and reproducibility. (Refs. 23 and 24).

Additionally, to further inform the Agency's risk assessment, EPA is committed to the consideration of other sources of information such as data identified in the open, peer-reviewed literature and information submitted by the public as part of the regulatory

evaluation of a pesticide. An important issue, when evaluating any study, is its scientific soundness and quality, and thus, the level of confidence in the study findings to contribute to the risk assessment.

The literature was searched, fully considered, and provided additional information on, chlorpyrifos mode of action, pharmacokinetics, epidemiology, neurobehavioral effects in laboratory animals, and age dependent sensitivity to cholinesterase inhibition.

Therefore, by evaluating registrant data in accordance with internationally harmonized and scientifically peer-reviewed study protocols, undertaking thorough open literature searches, and considering information provided by the public, the Agency is confident that its assessment for chlorpyrifos in 2006 was reasonably based upon the best available science at the time of the assessment. Previous sections of this response to petitioners' claims regarding the Agency's inadequate use of various data only further highlights and supports the scientifically defensible results of the Agency's assessment. Petitioners' claim that the Agency overly relies on registrant data is therefore denied.

6. EPA has failed to properly address the exporting hazard in foreign countries from chlorpyrifos.

As noted in Unit II., in EPA's July 16, 2012 interim petition response EPA issued a final denial of this claim. That denial constituted final agency action and EPA is not reopening consideration of that claim.

7.-9. EPA failed to quantitatively incorporate data demonstrating long-lasting effects from early life exposure to chlorpyrifos in children; EPA disregarded data demonstrating that there is no evidence of a safe level of exposure during pre-birth and early life stages; EPA failed to cite or quantitatively incorporate studies and clinical

reports suggesting potential adverse effects below 10% cholinesterase inhibition.

a. *Petitioners' claims.* The petitioners assert that human epidemiology and rodent developmental neurotoxicity data suggest that pre-natal and early life exposure to chlorpyrifos can result in long-lasting, possibly permanent damage to the nervous system and that these effects are likely occurring at exposure levels below 10% cholinesterase inhibition, EPA's existing regulatory standard for chlorpyrifos and other OPs. They assert that EPA has therefore used the wrong endpoint as a basis for regulation and that, taking into account the full spectrum of toxicity, chlorpyrifos does not meet the FFDCA safety standard or the FIFRA standard for registration.

b. *Agency response.* EPA has grouped claims 7-9 together because they fundamentally all raise the same issue: whether the potential exists for chlorpyrifos to cause neurodevelopmental effects in infants and children from exposures (either to mothers during pregnancy or directly to infants and children) that are lower than those resulting in 10% cholinesterase inhibition – the basis for EPA's long-standing point of departure in regulating chlorpyrifos and other OPs. While petitioners may perhaps disagree, unlike the claims addressed above, these claims were not truly challenges to EPA's 2006 reregistration decision for chlorpyrifos, but rather, challenges to EPA's ongoing approval of chlorpyrifos under FIFRA and the FFDCA that rely in large measure on data published after EPA completed both its 2001 chlorpyrifos Interim Reregistration Decision and the 2006 OP CRA that concluded the reregistration process for chlorpyrifos and all other OPs. As matters that largely came to light after the completion of reregistration, these petition issues are issues to be addressed as part of the registration review of chlorpyrifos – the next round of re-evaluation under section 3(g) of FIFRA. As

petitioners are aware, past EPA administrations prioritized the registration review of the OPs in no small measure to begin to focus on the question of OP neurodevelopmental toxicity, which was, and remains, an issue at the cutting edge of science, involving significant uncertainties. EPA has three times presented approaches and proposals to the FIFRA SAP for evaluating recent epidemiologic data (some of which is cited in the Petition) exploring the possible connection between *in utero* and early childhood exposure to chlorpyrifos and adverse neurodevelopmental effects. The SAP's reports have rendered numerous recommendations for additional study and sometimes conflicting advice for how EPA should consider (or not consider) the epidemiology data in conducting EPA's registration review human health risk assessment for chlorpyrifos. While industry and public interest groups on both sides of this issue can debate what the recommendations mean and which recommendations should be followed, one thing should be clear to all persons following this issue: the science on this question is not resolved and would likely benefit from additional inquiry.

EPA has, however, been unable to persuade the 9th Circuit Court of Appeals that further inquiry into this area of unsettled science should delay EPA's response to the Petition. Faced with an order requiring EPA to respond to the Petition, in October 2015, EPA chose to issue a proposed rule to revoke all chlorpyrifos tolerances based in part on the uncertain science surrounding neurodevelopmental toxicity suggested by certain epidemiology studies. The comments EPA has received on that proposal and on EPA's November 17, 2016 NODA suggest that there continue to be considerable areas of uncertainty with regard to what the epidemiology data show and deep disagreement over how those data should be considered in EPA's risk assessment.

Although not a legal consideration, it is important to recognize that for many decades chlorpyrifos has been and remains one of the most widely used pesticides in the United States, making any decision to retain or remove this pesticide from the market an extremely significant policy choice. In light of the significance of this decision and in light of the significant uncertainty that exists regarding the potential for chlorpyrifos to cause adverse neurodevelopmental effects, EPA's preference is to fully explore approaches raised by the SAP and commenters on the proposed rule, and possibly seek additional authoritative peer review of EPA's risk assessment prior to finalizing any regulatory action in the course of registration review. As the 9th Circuit has made clear in its August 12, 2016 order in *PANNA v. EPA*, EPA must provide a final response to the Petition by March 31, 2017, regardless of whether the science remains unsettled and irrespective of whatever options may exist for more a complete resolution of these issues during the registration review process.

While EPA acknowledges its obligation to respond to the Petition as required by the court, the court's order does not and cannot compel EPA to complete the registration review of chlorpyrifos in advance of the October 1, 2022 deadline provided in section 3(g) of FIFRA, 7 U.S.C. 136a(g). Although past EPA administrations had chosen to attempt to complete that review several years in advance of the statutory deadline (and respond to the Petition on the same time frame), it has turned out that it is not possible to fully address these issues early in the registration review period. As a result, EPA has concluded that it should alter its priorities and adjust the schedule for chlorpyrifos so that it can complete its review of the science addressing neurodevelopmental effects prior to making a final registration review decision whether to retain, limit or remove

chlorpyrifos from the market. Accordingly, EPA is denying these Petition claims and intends to complete a full and appropriate review of the neurodevelopmental data before either finalizing the proposed rule of October 30, 2015, or taking an alternative regulatory path.

EPA's denial of the Petition on the grounds provided above is wholly consistent with governing law. The petition provision in FFDCA section 408(d) does not address the timing for responding to this petition nor does it limit the extent to which EPA may coordinate its petition responses with the registration review provisions of FIFRA section 3(g). Further, provided EPA completes registration review by October 1, 2022, Congress otherwise gave the EPA Administrator the discretion to determine the schedule and timing for completing the review of the approximately over 1000 pesticide active ingredients currently subject to evaluation under section 3(g). EPA may lawfully re-prioritize the registration review schedule developed by earlier administrations provided that decision is consistent with law and an appropriate exercise of discretion. *See Federal Communications Commission v. Fox Television Stations*, 129 S.Ct. 1800 (2009) (Administrative Procedure Act does not require that a policy change be justified by reasons more substantial than those required to adopt a policy in the first instance). Nothing in FIFRA section 3(g) precludes EPA from altering a previously established registration review schedule. Given the absence of a clear statutory directive, FIFRA and the FFDCA provide EPA with discretion to take into account EPA's registration review of a pesticide in determining how and when the Agency responds to FFDCA petitions to revoke tolerances. As outlined above, given the importance of this matter and the fact that critical questions remain regarding the significance of the data

addressing neurodevelopmental effects, EPA believes there is good reason to extend the registration review of chlorpyrifos and therefore to deny the Petition. To find otherwise would effectively give petitioners under the FFDCA the authority to re-order scheduling decisions regarding the FIFRA registration review process that Congress has vested in the Administrator.

10. Inhalation Exposure from Volatilization

a. Petitioners' claim. Petitioners assert that when EPA completed its 2006 OP CRA, EPA failed to consider and incorporate significant exposures to chlorpyrifos-contaminated air that exist for some populations in communities where chlorpyrifos is applied. Petitioners assert that these exposures exceeded safe levels when considering cholinesterase inhibition as a point of departure and that developmental neurotoxicity may occur at even lower exposure levels than those resulting in cholinesterase inhibition.

b. Agency response. To the extent petitioners are asserting that human exposure to chlorpyrifos spray drift and volatilized chlorpyrifos present neurodevelopmental risks for infants and children, EPA is denying this claim for the reasons stated above in our response to claims 7-9. As noted, EPA believes that, given the uncertainties associated with this identified risk concern, the appropriate course of action is for EPA to deny the Petition and work to further resolve this area of unsettled science in the time remaining for the completion of registration review under section 3(g) of FIFRA.

With respect to petitioners' claim that exposures to spray drift and volatilized chlorpyrifos present a risk from cholinesterase inhibition, EPA is denying the Petition for the reasons previously identified in EPA's Spray Drift Mitigation Decision of July 16, 2012 [EPA-HQ-OPP-2008-0850] and EPA's interim response of July 15, 2014 [EPA-

HQ-OPP-2007-1005] addressing chlorpyrifos volatilization. In the Spray Drift Mitigation Decision, EPA determined that the chlorpyrifos registrants' adoption of label mitigation (in the form of label use rate reductions and no spray buffer zones) eliminated risk from cholinesterase inhibition as a result of spray drift. As for risks presented by volatilized chlorpyrifos that may occur following application, EPA's July 15, 2014 interim response to the Petition explained that recent vapor phase inhalation studies for both chlorpyrifos and chlorpyrifos-oxon made clear that neither vapor phase chlorpyrifos nor chlorpyrifos-oxon presents a risk of cholinesterase inhibition. Specifically, those studies, as indicated in EPA's memorandum, *Chlorpyrifos: Reevaluation of the Potential Risks from Volatilization in Consideration of Chlorpyrifos Parent and Oxon Vapor Inhalation Toxicity Studies* (Ref. 25), revealed that levels of chlorpyrifos and chlorpyrifos-oxon in vapor form are much lower than the levels seen in earlier aerosol studies that are better suited for evaluating spray drift. Indeed, no cholinesterase inhibition was observed in either volatility study. What is clear from these data is that the air cannot hold levels of volatilized chlorpyrifos or its oxon that are capable of causing adverse effects from cholinesterase inhibition.

VI. Regulatory Assessment Requirements

As indicated previously, this action announces the Agency's order denying a petition filed, in part, under section 408(d) of FFDCA. As such, this action is an adjudication and not a rule. The regulatory assessment requirements applicable to rulemaking do not, therefore, apply to this action.

VII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, does not apply because this

action is not a rule for purposes of 5 U.S.C. 804(3).

IX. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under FOR FURTHER INFORMATION CONTACT.

1. The Petition from NRDC and PANNA and EPA's various responses to it are available in docket number EPA-HQ-OPP-2007-1005 available at <http://www.regulations.gov>.
2. FIFRA Scientific Advisory Panel (2016). "Chlorpyrifos: Analysis of Biomonitoring Data". Available at: <https://www.epa.gov/sap/meeting-materials-april-19-21-2016-scientific-advisory-panel>.
3. Furlong CE, Holland N, Richter RJ, Bradman A, Ho A, Eskenazi B (2006). PON1 status of farmworker mothers and children as a predictor of organophosphate sensitivity. *Pharmacogenet Genomics*. 2006 Mar; 16(3):183-90.
4. Sultatos LG; Murphy SD, (1983). Kinetic Analysis Of The Microsomal Biotransformation Of The Phosphorothioate Insecticides Chlorpyrifos And Parathion. *Fundamental and Applied Toxicology*. 3:16-21.
5. U.S. EPA (2008). Draft Appendix E available at <http://www.epa.gov/scipoly/sap/meetings/2008/september/appendixe.pdf>. Draft Science Issue Paper: Chlorpyrifos Hazard and Dose Response Characterization. August 21, 2008.

Available at

<http://www.epa.gov/scipoly/sap/meetings/2008/september/chlorpyrifoscharacter.pdf>

6. Holland, N., Furlong, C., Bastaki, M., Richter, R., Bradman, A., Huen, K., Beckman, K., and Eskenazi, B. (2006). Paraoxonase polymorphisms, haplotypes, and enzyme activity in Latino mothers and newborns. *Environ. Health Perspect.* 114(7), 985-991; Chen, J., Kumar, M., Chan, W., Berkowitz, G., and Wetmur, J. (2003). Increased Influence of Genetic Variation on PON1 Activity in Neonates. *Environmental Health Perspective* 111, 11:1403-9.

7. U.S. EPA (2008). Transmittal of Meeting Minutes of the FIFRA Scientific Advisory Panel Meeting Held September 16-18, 2008 on the Agency's Evaluation of the Toxicity Profile of Chlorpyrifos. Available at

<http://www.epa.gov/scipoly/sap/meetings/2008/september/sap0908report.pdf> at 61.

8. Engel, S.M., Wetmur, J., Chen, J., Zhu, C., Boyd Barr, D., Canfield, R.L., Wolff, M.S., (2011) Prenatal Exposure to Organophosphates, Paraoxonase 1, and Cognitive Development in Childhood *Environ Health Perspect* 119:1182-1188 (2011). doi:10.1289/ehp.1003183 [Online 21 April 2011].

9. Hofmann, J.N., Keifer, M.C., Furlong, C.E., De Roos, A.J., Farin, F.M., Fenske, R.A., van Belle, G., Checkoway, H. (2009) Serum Cholinesterase Inhibition in Relation to Paraoxonase-1 (PON1) Status among Organophosphate-Exposed Agricultural Pesticide Handlers. *Environ Health Perspect* 117:1402-1408 (2009).

doi:10.1289/ehp.0900682. Available at <http://dx.doi.org/> [Online 9 June 2009].

10. Eskenazi, B.; Huen, K., Marks, A., Harley, K.G., Bradman, A., Boyd Barr, D., Holland, N. (2010) PON1 and Neurodevelopment in Children from the CHAMACOS

Study Exposed to Organophosphate Pesticides in Utero. *Environmental Health Perspectives*. Vol 118 (12): 1775-1781).

11. Harley KG, Huen K, Schall RA, Holland NT, Bradman A, et al. (2011) Association of Organophosphate Pesticide Exposure and Paraoxonase with Birth Outcome in Mexican-American Women. *PLoS ONE* 6(8): e23923. doi:10.1371/journal.pone.0023923.

12. IPCS (International Programme on Chemical Safety) 2005. Chemical-Specific Adjustment Factors for Interspecies Differences and Human Variability: Guidance Document for Use of Data in Dose/Concentration-Response Assessment. Harmonization Project Document No. 2. World Health Organization, International Programme on Chemical Safety, Geneva, Switzerland.

13. U.S. EPA (2014). Guidance for Applying Quantitative Data to Develop Data-Derived Extrapolation Factors for Interspecies and Intraspecies Extrapolation. Available at <https://www.epa.gov/risk/guidance-applying-quantitative-data-develop-data-derived-extrapolation-factors-interspecies-and>.

14. For additional information on the Endocrine Disruptor Screening program see <http://www.epa.gov/endo/>.

15. For information related to the status of EDSP test orders/DCIs, status of EDSP OSRI: order recipient submissions and EPA responses, and other EDSP assay information see <http://www.epa.gov/endo/pubs/toresources/index.htm>.

16. For available Data Evaluation Records (DERs) for EDSP Tier 1, see <https://www.epa.gov/endocrine-disruption/endocrine-disruptor-screening-program-tier-1->

screening-determinations-and.

17. Hoppin JA, Lubin JH, Rusiecki JA, Sandler DP, Dosemeci M, Alavanja MC. (2004) Cancer incidence among pesticide applicators exposed to chlorpyrifos in the Agricultural Health Study. *J Natl Cancer Inst*, 96(23), 1781-1789. (hereinafter Lee et al. 2004).

18. U.S. EPA (2005). Guidelines for Carcinogen Risk Assessment. Available at http://www.epa.gov/raf/publications/pdfs/CANCER_GUIDELINES_FINAL_3-25-05.PDF.

19. Christenson, C. (2011). D388167, Chlorpyrifos Carcinogenicity: Review of Evidence from the U.S. Agricultural Health Study (AHS) Epidemiologic Evaluations 2003-2009.

20. Weichenthal S, Moase C, Chan P (2010). A review of pesticide exposure and cancer incidence in the agricultural health study cohort. *Cien Saude Colet*. 2012 Jan;17(1):255-70. PubMed PMID: 22218559.

21. Zheng Q, Olivier K, Won YK, Pope CN. (2000). Comparative cholinergic neurotoxicity of oral chlorpyrifos exposures in pre-weaning and adult rats. *Toxicological Sciences*, 55(1): 124-132.

22. For additional information on the organophosphate cumulative risk assessment, see http://epa.gov/pesticides/cumulative/2006-op/op_cra_main.pdf.

23. U.S. EPA (2011). Chlorpyrifos: Preliminary Human Health Risk Assessment for Registration. Available in docket number EPA-HQ-OPP-2008-0850, <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2008-0850-0025>.

(23) For additional information on EPA's Harmonized Test Guidelines and

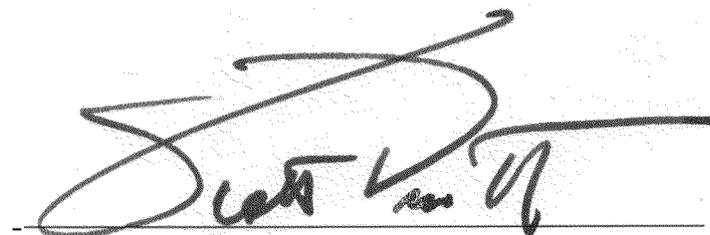
international efforts at harmonization, see

<http://www.epa.gov/opp00001/science/guidelines.htm>.

(24) Available at <http://www.regulations.gov> in docket EPA-HQ-OPP-2008-0850.

Authority: 7 U.S.C. 136 *et seq.* and 21 U.S.C. 346a.

Dated: 3/29/2017

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line. The signature is stylized and cursive.

E. Scott Pruitt,
Administrator.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Flynn, Mike
Sent: Wed 3/29/2017 6:43:20 PM
Subject: Re: Chlorpyrifos - TIME SENSITIVE

Yes, I'll get on it

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
(202) 564-4711

On Mar 29, 2017, at 2:15 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 2:14 PM
To: Reeder, John <Reeder.John@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>;
Kime, Robin <Kime.Robin@epa.gov>
Subject: Chlorpyrifos - TIME SENSITIVE

All,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks for your attention to this.

Samantha

To: Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Schwab, Justin
Sent: Mon 3/27/2017 1:30:25 PM
Subject: Fwd: 2017 Consent Decree table 2.16.17.docx
2017 Consent Decree table 2.16.17.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: <schwab.justin@epa.gov>
Date: March 26, 2017 at 6:23:26 PM EDT
To: Ryan Jackson <jackson.ryan@epa.gov>, <Gunasekara.Mandy@epa.gov>, "Sarah Greenwalt" <greenwalt.sarah@epa.gov>, <dravis.samantha@epa.gov>, Byron Brown <brown.byron@epa.gov>
Subject: 2017 Consent Decree table 2.16.17.docx

2017 Consent Decree, Settlement Agreement and Court Ordered Deadlines
February 16, 2017

Deadline	Type of Action	Type of Deadline	Case name, court & docket number	Lead Office
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Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Rees, Sarah
Sent: Sun 3/26/2017 9:23:59 PM
Subject: Re: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Will do.

From: Dravis, Samantha
Sent: Sunday, March 26, 2017 5:21:14 PM
To: Rees, Sarah
Subject: FW: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Let's have OEX tee this up for SPs signature.

No autopen, I need to check with the White House on this because they may want to do something in conjunction with USDA on it and I don't want it executed before I have a chance to do that. Thanks!

From: Cleland-Hamnett, Wendy
Sent: Friday, March 24, 2017 5:45 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Fw: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Status of the order below, and copy attached. Hope you all have a good weekend.

From: Hofmann, Angela
Sent: Friday, March 24, 2017 5:09 PM
To: Cleland-Hamnett, Wendy; Wise, Louise
Cc: Mojica, Andrea; Friedman, Dana; Chun, Melissa; Keigwin, Richard; Dyner, Mark; Guilaran, Yu-Ting; Smith, Charles; Costello, Kevin; Strauss, Linda; Dunton, Cheryl
Subject: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Hi Wendy,

I just dropped off the final signature package with Andrea. Attached is an electronic copy – in case you want another look or want to share it with others.

I have things lined up with OP to get the package to them in the morning on Monday, and they are ready to process it with deadline in mind. Susan is ready to track it once I get it to OP and will coordinate getting it signed on time and back to us promptly.

- Angela

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Rees, Sarah[rees.sarah@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Torma, Tim
Sent: Fri 3/24/2017 10:40:18 PM
Subject: RE: Items for 03/27 8:00 AM Meeting -- Use this file instead
Topics for 03-27-2017 Administrator meeting.docx

Sorry, made a few canes after I sent the last version. Please use this one.

From: Torma, Tim
Sent: Friday, March 24, 2017 6:28 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>; Kenny, Shannon <Kenny.Shannon@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>
Subject: Items for 03/27 8:00 AM Meeting

Samantha,

Attached is a file with some items to consider for the 8 AM Monday. Hard copies are in your chair.

There are many additional items in the weekly reports we can work through next week.

Have a great weekend.

TT

Daily Hot Topics
03/23/2017

Issue	Summary & Context	Action Required?	Deadline or milestone date?	Next Step
<h1>Ex. 5 - Deliberative Process</h1>				
Chlorpyrifos	The Agency's court-ordered deadline for response to the chlorpyrifos petition is next <u>Friday, March 31, 2017</u> . OCSPP will get the signature package to OP by <u>Monday, March 27, 2017</u> for the Administrator's signature. We are working with OPA and OCIR on communications.			
Senate EPW Hearings	<ul style="list-style-type: none"> ■ Wednesday, March 29, 2017- Hearing before the Senate Environment and Public Works Committee on "Cleanup of Cold War legacy sites under the Formerly Used Defense Sites (FUDS) program, the Formerly Utilized Sites Remedial Action Program (FUSRAP), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Witness: Barry Breen, Acting Assistant Administrator for Land and 	Awareness		

	<p>Emergency Management.</p> <p>■ Tuesday, March 28, 2017 - Senate Committee Environment & Public Works Legislative Hearing on: S. 518, a bill to amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works; S. 692, the "Water Infrastructure Flexibility Act of 2017;" and S. 675, the "Long Island Sound Restoration and Stewardship Act" - No EPA Witness (Statement requested)</p>			
ORD Discussion with Oklahoma on Delineating Chlorinated Solvent Plumes	Last week ORD coordinated a follow-up discussion with Oklahoma DEQ and ORD scientists on potential technologies and indicators that may assist the state in delineating chlorinated solvent plumes and help reduce costs to investigate dry cleaners and manufacturers that use chlorinated solvents.	Awareness/good news		
East Chicago: Acting RA to Meet with Indiana Department of Environmental Management Commissioner	<p>The Acting RA and the Commissioner will meet in Indiana on March 24 to discuss ongoing coordination of EPA and IDEM activities in East Chicago.</p> <ul style="list-style-type: none"> • Region 5 and the State have worked together on a robust set of responses to drinking water issues in East Chicago. • The responses will focus on protection of residents, and will also be helpful in answering the Safe Drinking Water Emergency Order Petition EPA received on March 2, 2017. • The coordination of drinking water activities and the dovetailing of remediation and lead service line replacement will be a specific focus of the meeting. 			Robin R. to make sure Tate is aware.
Gold King Mine (GKM) Spring Run-off Sampling	This week Regions 8, 6 and 9 notified interested states and tribes of EPA's plans for April 2017 sampling of water and sediment in the Animas and San Juan Rivers to further assess impacts of spring run-off on the GKM release.	Awareness		

- | | | | | |
|--|---|--|--|--|
| | States and tribes may accompany the sampling crews. <ul style="list-style-type: none">• This work is being coordinated with ORD and OW. | | | |
|--|---|--|--|--|

Ex. 5 - Deliberative Process

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Rees, Sarah[rees.sarah@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Torma, Tim
Sent: Fri 3/24/2017 10:27:48 PM
Subject: Items for 03/27 8:00 AM Meeting
Topics for 03-27-2017 Administrator meeting.docx

Samantha,

Attached is a file with some items to consider for the 8 AM Monday. Hard copies are in your chair.

There are many additional items in the weekly reports we can work through next week.

Have a great weekend.

TT

Daily Hot Topics
03/23/2017

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- | | | | | |
|--|---|--|--|--|
| | States and tribes may accompany the sampling crews. <ul style="list-style-type: none">• This work is being coordinated with ORD and OW. | | | |
|--|---|--|--|--|

Ex. 5 - Deliberative Process

To: Weekly Report Group[Weekly_Report_Group@epa.gov]
Cc: Schwab, Justin[schwab.justin@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Albores, Richard[Albores.Richard@epa.gov]; Trudeau, Shaun[Trudeau.Shaun@epa.gov]; Prabhu, Aditi[Prabhu.Aditi@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]
From: Minoli, Kevin
Sent: Fri 3/24/2017 12:58:52 AM
Subject: OGC Weekly Report
[OGC Weekly Report 3.23.17.docx](#)

Attached is OGC's Weekly Report. Also available upon request are the following:

1. List of litigation deadlines for the next 90 days
2. Detailed list of litigation and similar deadlines over the next two weeks
3. Court ordered, settlement, and consent decree deadlines through 2017

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

OGC Weekly Report

Upcoming Public Events in the Next Two Weeks

3/27 COS Jackson, OGC, OP, and OAR meeting with representatives from Murray Energy

Upcoming Major Deadlines in the Next Two Weeks

Ex. 5 - Deliberative Process

Last Week Highlights

- Thirty OGC employees volunteered to answer EPA's main line in response to increased call volume
- The Federal Laboratory Consortium selected scientists from ORD and attorneys from OGC to receive an award for their efforts to invent, patent, and then make available "NoMonia," which removes ammonia and other pollutants from water
- Court order requiring EPA to complete 13 risk and technology reviews, seven by 12/31/18 and six by 6/30/20 issued in *Blue Ridge Environmental Defense League v. Pruitt*
- Supreme Court rejected US position and further limited President's ability to nominate an individual for a PAS position and have that individual serve in that position on an acting basis

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Torma, Tim
Sent: Tue 3/21/2017 9:33:10 PM
Subject: File for 03/22 8:00 AM
Topics for 03-22-2017 Administrator meeting.docx

Samantha,

Attached is a revised file for tomorrow morning's meeting with the Administrator. Hard copies are in your chair.

I will be out of the office tomorrow for medical stuff but Sarah Rees will have a list of items for the 2:00 meeting.

TT

Tim Torma

Senior Advisor

U.S. EPA Office of Policy

202-566-2864

Administrator 8:00 AM Topics
03/22/2017

Issue	Summary & Context	Action Required?	Deadline or milestone date?	Next Step

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

2017 binational Great Lakes Areas of	Since 2007, EPA has sponsored an annual meeting for the Great Lakes community that focuses on remediating and restoring the	Awareness.		
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Concern Conference	<p>31 U.S. and binational Great Lakes Areas of Concern (AOCs). The 10th annual conference is planned for Grand Rapids, Michigan, on March 29-30, 2017. 300 attendees are expected, including 24 EPA employees (driving from Chicago to Grand Rapids). EPA attendees are management, staff, and researchers directly involved in Great Lakes coordination efforts and/or actively participating remediation and restoration efforts within the AOCs. Attendees will also include stakeholder groups, state agencies, tribal representatives, other feds, local governments, universities, and businesses. EPA is a co-sponsor of the 2017 AOC conference with the Michigan Department of Environmental Quality.</p>	<p>It is likely that the GLRI funding issue will come up and there will be press.</p>		
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Ex. 5 - Deliberative Process

Chlorpyrifos	Reminder that this action needs to keep moving. OGC input needed.	Signed by March 30.		
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Title	New Effective Date
<h1>Ex. 5 - Deliberative Process</h1>	

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Schwab, Justin
Sent: Fri 3/17/2017 4:18:59 PM
Subject: Fwd: CD List
2017 Consent Decree table 2.16.17.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: February 21, 2017 at 4:52:59 PM EST
To: "Schwab, Justin" <schwab.justin@epa.gov>
Subject: CD List

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

2017 Consent Decree, Settlement Agreement and Court Ordered Deadlines
February 16, 2017

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

Ex. 5 - Attorney Work Product

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Jackson, Ryan
Sent: Tue 3/14/2017 11:41:04 AM
Subject: RE: Regulatory Hot Topics for 3/14

Ex. 5 - Deliberative Process

From: Dravis, Samantha
Sent: Tuesday, March 14, 2017 7:19 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Regulatory Hot Topics for 3/14

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Tuesday, March 14, 2017 5:37 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re: Regulatory Hot Topics for 3/14

Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Mar 14, 2017, at 5:31 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 13, 2017, at 10:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

What's a full denial? You either do or you don't.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Mar 13, 2017, at 8:50 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Rees, Sarah

Sent: Monday, March 13, 2017 6:23 PM

To: Dravis, Samantha <dravis.samantha@epa.gov>

Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>

Subject: Regulatory Hot Topics for 3/14

Hi Samantha – here are the new regulatory hot topics for tomorrow. I haven't brought up items already discussed and in need of follow-up. Also there are other items in queue for Administrator signature, but they are not immediately pressing, so I'm not raising here.

Ex. 5 - Deliberative Process

Chlorpyrifos

- Need to know that there is a final decision on the petition – OMB is asking and wants interagency review if we do anything other than a full denial
- Need to know when OCSPP will have a revised package ready reflective of this decision so we can meet the 3/31 deadline

Let me know if you need anything else.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: Rees, Sarah
Sent: Mon 3/13/2017 10:22:53 PM
Subject: Regulatory Hot Topics for 3/14

Hi Samantha – here are the new regulatory hot topics for tomorrow. I haven't brought up items already discussed and in need of follow-up. Also there are other items in queue for Administrator signature, but they are not immediately pressing, so I'm not raising here.

Ex. 5 - Deliberative Process

Chlorpyrifos

- Need to know that there is a final decision on the petition – OMB is asking and wants interagency review if we do anything other than a full denial
- Need to know when OCSPP will have a revised package ready reflective of this decision so we can meet the 3/31 deadline

Let me know if you need anything else.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacy m)

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Kenny, Shannon
Sent: Wed 3/8/2017 12:55:01 PM
Subject: Re: Checking in

Ex. 5 - Deliberative Process

Shannon.

Sent from my iPhone

> On Mar 8, 2017, at 6:54 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:
>
> Shannon,
>

Ex. 5 - Deliberative Process

> Thank you Shannon. As always, if we need to discuss or talk please come on in.
>
> Samantha
>
>
> -----Original Message-----
> From: Kenny, Shannon
> Sent: Tuesday, March 7, 2017 5:40 PM
> To: Dravis, Samantha <dravis.samantha@epa.gov>
> Cc: Rees, Sarah <rees.sarah@epa.gov>
> Subject: Checking in
>

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

>

> I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

>

> Shannon

>

> Sent from my iPhone

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Jackson, Ryan
Sent: Wed 3/8/2017 2:11:56 AM
Subject: Re: Chlorpyrifos - Administrator Briefing

I'm kidding. Wendy is actually very helpful. I think I did scare them or surprise them Friday. They are getting us information from Friday but they know where this is headed and they are documenting it well.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Mar 7, 2017, at 8:58 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

They are trying to strong arm us. I scared them Friday.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Mar 7, 2017, at 8:48 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

I don't know what she's talking about. Did Shannon tell her the administrator needs a briefing??

Sent from my iPhone

Begin forwarded message:

From: "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>
Date: March 7, 2017 at 6:53:32 PM EST
To: "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: Chlorpyrifos - Administrator Briefing

Can you let me know status? Are we still waiting to find out, or is it not happening tomorrow?

Thanks.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Jackson, Ryan
Sent: Wed 3/8/2017 1:58:05 AM
Subject: Re: Chlorpyrifos - Administrator Briefing

They are trying to strong arm us. I scared them Friday.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Mar 7, 2017, at 8:48 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

I don't know what she's talking about. Did Shannon tell her the administrator needs a briefing??

Sent from my iPhone

Begin forwarded message:

From: "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>
Date: March 7, 2017 at 6:53:32 PM EST
To: "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: Chlorpyrifos - Administrator Briefing

Can you let me know status? Are we still waiting to find out, or is it not happening tomorrow?

Thanks.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Rees, Sarah[rees.sarah@epa.gov]
From: Kenny, Shannon
Sent: Tue 3/7/2017 10:39:43 PM
Subject: Checking in

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Shaw, Nena[Shaw.Nena@epa.gov]
From: Nickerson, William
Sent: Tue 3/7/2017 8:40:01 PM
Subject: electronic copies of materials from today's regulatory Executive Orders meeting
[Summary of Regulatory EOs.docx](#)
[Interim guidance on Reducing Regulations EO - Final Version 2-2-17.docx](#)
[EO 13777.pdf](#)
[EO 13771.pdf](#)
[Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing.docx](#)

Samantha,

Please find attached the documents from today's meeting on the regulatory Executive Orders and the Presidential Memorandum.

In answer to your question about who to notify when the Regulatory Reform Officer has been designated, the Executive Order does not require that we notify anyone. However, based on prior experience, we would suggest that we notify two senior career staff at OMB (Dominic Mancini and Jim Laity) so they are aware of who was selected. We can take care of that once the selection has been made.

We would also suggest informing key political and career staff within EPA about the members of the Regulatory Reform Task Force.

Let me know if you need anything else, or have additional questions. Thank you.

Bill

William (Bill) Nickerson

Associate Office Director

Office of Regulatory Policy and Management

Office of Policy

Phone: (202) 566-0326

Regulatory Review Presidential Actions

President Trump recently took three general regulatory review actions. He issued two Executive Orders, *Reducing Regulations and Controlling Regulatory Cost* and *Enforcing the Regulatory Reform Agenda*. He also issued a Presidential Memorandum on *Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing*. Each of these requires related action on the part of EPA in identifying and reforming burdensome regulations; see the detailed summaries that follow. OP has the lead for all 3 initiatives.

Ex. 5 - Deliberative Process

Executive Order: *Enforcing the Regulatory Reform Agenda*

The President signed this Executive Order on February 24, 2017. The purpose of the Order is to implement and enforce regulatory reform and alleviate unnecessary regulatory burdens. This Executive Order refers back to Executive Orders 13771: Reducing Regulation and Controlling Regulatory Costs, 12866: Regulatory Planning and Review, and 13563: Improving Regulation and Regulatory Review as the “initiatives and policies” that must be considered in carrying out the February 24, 2017, Executive Order.

Ex. 5 - Deliberative Process

Executive Order 13771: *Reducing Regulation and Controlling Regulatory Costs*

Executive Order (E.O.) 13771, issued January 30, 2017, is commonly known as the “2-for-1” E.O since it directs federal executive branch agencies to remove 2 existing regulations for each new regulation proposed or finalized in FY-17 and thereafter. The intent is to measure all regulatory costs and offset new regulations by repealing old ones, such that the net effect on the economy is zero.

Ex. 5 - Deliberative Process

¹ Executive Order 12866 (October 4, 1993) directs agencies to annually publish a Regulatory Plan containing agency statements of regulatory priorities and additional information about the most significant regulatory activities planned for the coming year.

² The Regulatory Flexibility Act of 1980 and E.O. 12866 direct agencies, under OIRA’s direction, to release every spring and fall an agenda providing uniform data on regulatory and deregulatory activities under development throughout the Federal Government.

Presidential Memorandum: Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

The purpose of this memorandum is to “support the expansion of manufacturing in the United States through expedited reviews of and approvals for proposals to construct or expand manufacturing facilities and through reductions in regulatory burdens affecting domestic manufacturing.” The President directs the Secretary of Commerce to “conduct outreach to stakeholders concerning the impact of Federal regulations on domestic manufacturing.” The Secretary of Commerce will solicit comments from the public for no more than 60 days on Federal actions to streamline permitting and reduce regulatory burdens for domestic manufacturers. As part of this process, Secretary of Commerce will coordinate with secretaries of other departments and agencies including the Administrator of the Environmental Protection Agency. Within 60 days of completion of this process, the Secretary of Commerce will submit a Permit Streamlining Action Plan to the President identifying priority actions with deadlines including recommendations for any necessary changes to existing regulations or statutes, as well as actions to change policies, practices, or procedures that can be taken immediately.

Ex. 5 - Deliberative Process

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Minoli, Kevin
Sent: Fri 3/3/2017 1:52:35 AM
Subject: Re: Chlorpyrifos Meeting on Friday

Hi Samantha- That is nice of you to send this follow-up, but you do not need to sing Robin's praises to me -- I know she is great! I wasn't thinking of anything other than passing along word to combine the two meetings if you wanted as I didn't want to presume folks wanted me to do that. Happy to have you touch base with her instead, but please don't think I was upset at her or really anyone. Normally I would have called you rather than sent an email, but I had just heard about it at 6:00 and am out in the morning, so felt it was my only option.

I will send a note to my folks that that they will likely see a revised invite or at least that the invite was not meant to exclude folks, so unless you reschedule it so Ryan can attend they should be there at 10:00.

Hope you have a good night as well. Kevin.

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Mar 2, 2017, at 8:33 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Kevin, I also just wanted to make sure to say that I really don't think Robin intended to do any harm. She has gone above and beyond to help me this week, and has made me feel welcome here.

I hate to reprimand her for something when I think she was really just trying to help on an issue that I had indicated was a time pressing topic. Please bear with us as we learn routines and appropriate processes, etc. thanks and hope you have a great evening.

Sent from my iPhone

On Mar 2, 2017, at 8:07 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Sounds like if we simply combine the two meetings we will have Ryan and Samantha, as well as OCSPP, OP, and OGC, which would be great. I am happy to email Sharnett and Robin tonight to ask them to work together to do that if that works for you. We definitely agree you both should be briefed as soon as possible, so this would be a great result if you are ok with it.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Jackson, Ryan

Sent: Thursday, March 02, 2017 7:29 PM

To: Dravis, Samantha <dravis.samantha@epa.gov>

Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>

Subject: Re: Chlorpyrifos Meeting on Friday

I don't have anything on my calendar. Wendy has ask to talk to me about it and I've been involved with the Administrator all the time. I'm expecting to meet with Wendy tomorrow.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Mar 2, 2017, at 7:26 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

The meeting wasn't set up by me, it must have been Robin on my behalf after I suggested that this was a hot topic that required attention.

Ryan and I need a briefing with the appropriate parties as soon as is possible.

Thanks,

Samantha

Sent from my iPhone

On Mar 2, 2017, at 6:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Samantha- I wanted to reach out to you and discuss a meeting request the one of OGC's attorney's received earlier today for a meeting on chlorpyrifos tomorrow. While we are happy to meet with you and others on that subject, there were a couple points of concern I need to raise. I realize that you may not have actually set up the invitation (a ton of meetings get set up under my name), but as the senior person in OP I felt it was appropriate to write to you.

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

To: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Minoli, Kevin
Sent: Fri 3/3/2017 1:07:13 AM
Subject: RE: Chlorpyrifos Meeting on Friday

Sounds like if we simply combine the two meetings we will have Ryan and Samantha, as well as OCSPP, OP, and OGC, which would be great. I am happy to email Sharnett and Robin tonight to ask them to work together to do that if that works for you. We definitely agree you both should be briefed as soon as possible, so this would be a great result if you are ok with it.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Jackson, Ryan
Sent: Thursday, March 02, 2017 7:29 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Re: Chlorpyrifos Meeting on Friday

I don't have anything on my calendar. Wendy has ask to talk to me about it and I've been involved with the Administrator all the time. I'm expecting to meet with Wendy tomorrow.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Mar 2, 2017, at 7:26 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

The meeting wasn't set up by me, it must have been Robin on my behalf after I suggested that this was a hot topic that required attention.

Ryan and I need a briefing with the appropriate parties as soon as is possible.

Thanks,

Samantha

Sent from my iPhone

On Mar 2, 2017, at 6:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Samantha- I wanted to reach out to you and discuss a meeting request the one of OGC's attorney's received earlier today for a meeting on chlorpyrifos tomorrow. While we are happy to meet with you and others on that subject, there were a couple points of concern I need to raise. I realize that you may not have actually set up the invitation (a ton of meetings get set up under my name), but as the senior person in OP I felt it was appropriate to write to you.

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Jackson, Ryan
Sent: Fri 3/3/2017 12:29:19 AM
Subject: Re: Chlorpyrifos Meeting on Friday

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Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

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Ex. 5 - Deliberative Process, Attorney - Client Privilege

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Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Minoli, Kevin
Sent: Thur 3/2/2017 11:49:38 PM
Subject: Chlorpyrifos Meeting on Friday

Hi Samantha- I wanted to reach out to you and discuss a meeting request the one of OGC's attorney's received earlier today for a meeting on chlorpyrifos tomorrow. While we are happy to meet with you and others on that subject, there were a couple points of concern I need to raise. I realize that you may not have actually set up the invitation (a ton of meetings get set up under my name), but as the senior person in OP I felt it was appropriate to write to you.

Ex. 5 - Deliberative Process, Attorney - Client Privilege

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Kime, Robin
Sent: Thur 3/2/2017 10:26:31 PM
Subject: Fwd: Updated FR queue lists
[FR queue 3.1.2017_shortSortrev1.xlsx](#)
[ATT00001.htm](#)
[FR Packet 3.1.2017rev1.docx](#)
[ATT00002.htm](#)

Hi
Sending these so you have them electronically.

Sent from my iPhone

Begin forwarded message:

From: "Tyree, JamesN" <tyree.jamesn@epa.gov>
Date: March 2, 2017 at 5:00:25 PM EST
To: "Kime, Robin" <Kime.Robin@epa.gov>
Cc: "Rees, Sarah" <rees.sarah@epa.gov>, "Nickerson, William" <Nickerson.William@epa.gov>
Subject: Updated FR queue lists

Hi Robin,

Per Sarah's request, attached are updated FR queue lists.

The FR Packet 3.1.2017rev1.docx file contains "Documents with Immediate Deadlines" and "Documents Submitted to OFR Since January 20, 2017" tables.

The FR queue 3.1.2017_shortSortrev1.xlsx file is all FR Queue Active Master List with short descriptions sorted by priority and category.

James Tyree, P.E.

Policy and Regulatory Analysis Division

Office of Policy, Office of Regulatory Policy and Management

U.S. EPA

202.564.2658

FR Queue Active Master List

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]
From: Rees, Sarah
Sent: Wed 3/1/2017 10:49:09 PM
Subject: One pagers for OMB rule list
1-PAGER Mid Term Evaluation for Model Year 2022.docx
1-pagers for 3-4 actions.docx
CEQ Federal Greenhouse Gas Accounting and Reporting Guidance.docx
Remediating Contaminated Sediment Sites Directive.docx
Air Action One Pagers - OMB list.docx

Samantha, attached are electronic versions of the one pagers I left a hard copy of on your chair. These are for the deep yellow highlighted actions on the OMB “midnight rules” list. I will have the light highlighted actions to you tomorrow, but wanted to triage by order of importance.

Please let me know if you have any questions on any of this – more than happy to help.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)

Title: Chemical Substances When Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Recordkeeping Requirements (Final Rule, SAN 5366)

Publication Date: 01/12/2017

Effective Date: 05/12/2017

- EPA finalized an information gathering rule on certain existing and new nanomaterials. The package defines a one-time reporting of available information such as specific chemical identity, production volume, methods of manufacturing and processing, exposure and release information and existing data concerning environmental and health effects.
- No additional testing or generation of new data is required by this rule.
- EPA did not establish a definition of a nanoscale material. Rather, it defined parameters for identifying chemical substances that are subject to the rule.
- Manufacturers, importers and processors of nanoscale substances must report to EPA.
- Information gathered under this rule will facilitate EPA's determination of whether further action, including additional information collection, is needed for that specific nanoscale material.
- Small businesses are exempted. Research and development nanoscale materials are excluded, as well as biological materials.
- EPA made substantial changes to the rule between proposal and final stages to address industry concerns about flexibility and material characterization approaches.
- EPA received limited substantive feedback during OMB review of the final rule. Many comments resulted in the addition of clarifying language rather than changing rule provisions.
- The American Chemistry Council (ACC) has been a vocal industry voice on the rule. In January 2017, ACC noted that EPA made some important clarifications in response to their and others' comments on the proposed rule. ACC said they are prepared to work with EPA and other stakeholders to ensure that additional guidance is as clear and workable as possible.

Title: Biological Evaluations of Three Chemicals' Impacts on Endangered Species**Publication Date:** 01/18/2017

- EPA announced the finalized Biological Evaluation for the registration reviews of chlorpyrifos, diazinon, and malathion uses.
- This action was the subject of significant attention.
- The agencies concluded that 97% U.S. endangered species could potentially suffer adverse effects from the three pesticides in their critical habitat.
- EPA collaborated with Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS) and the USDA to complete the analysis. These agencies followed the National Academy of Sciences recommendation in designing a process to accurately assess risk to individuals of many different endangered and threatened species. This is just one step in a process involving these partners. EPA must now submit the opinions to the Services. The evaluations will form the scientific rationale for decisions by the FWS and NMFS regarding pesticide usage in areas of critical habitat.
- The Biological Evaluation will not necessarily result in a ban of these pesticides. Rather, how these pesticides are applied in endangered species critical habitat could potentially be impacted.
- Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration (the pesticide can perform its intended function without unreasonable adverse effects).
- With this work, EPA meets its obligation under section 7 of the Endangered Species Act (ESA) by ensuring that each pesticide's registration is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat.
- The draft Biological Evaluations were released April 6, 2016 for comment on April 6, 2016. The methods used were developed based on an April 2013 NAS report.
- Previously, on February 21, 2013, a three judge panel of the Fourth Circuit Court of Appeals issued a unanimous landmark decision in *Dow Agrosciences v. National Marine Fisheries Service* setting aside a Biological Opinion (BiOp) prepared by the NMFS that found that use of the pesticides chlorpyrifos, diazinon, and malathion could jeopardize the viability of certain species of salmon and their habitat.
- There is active litigation underway - in *Center for Biological Diversity v. U. S. Environmental Protection Agency*, (9th Cir. Feb. 2, 2017), the Ninth Circuit reversed in part a district court's dismissal of plaintiffs' claims arising from their citizen suit alleging that EPA violated the ESA when it registered certain pesticide active ingredients and pesticide products without undertaking consultation with the NMFS and FWS. Specifically, plaintiffs argued that reregistering pesticide products pursuant to FIFRA triggered EPA's duty to consult with the Service under ESA section 7.

Title: Updated List of Human Health Benchmarks for Pesticides in Drinking Water Available

Publication Date: 01/18/2017

- EPA has updated its list of human health benchmarks for pesticides (HHBP) in drinking water. EPA has been maintaining this list since 2012.
- The HHBPs are not legally enforceable federal standards and serve only as reference values.
- These benchmarks are intended as informational tools for states, tribes, water systems and the public to help interpret monitoring data for pesticides for which there are no drinking water standards or health advisories.
- A total of 394 HHBPs are now available for pesticides that are currently registered for use on food crops or other use that could result in exposure through food or drinking water. The 2017 update includes an update of toxicity values for 41 pesticides. In addition, 38 new pesticides were added to the list.
- The benchmarks are for pesticides for which the agency has not issued a drinking water health advisory or set an enforceable federal drinking water standard.

Title: Policy to Mitigate the Acute Risk to Bees from Pesticide Products

Publication Date: 01/12/2017

- EPA released a final policy which describes methods for addressing acute risks to bees from pesticides.
- Pesticide manufacturers and grower groups criticized EPA's proposed policy, arguing that the plan failed to provide growers with sufficient flexibility for pesticide spraying.
- The final policy is more flexible than the proposed policy. For example, a product that retains its toxicity to bees for a shorter time might be allowed to be applied under certain circumstances. Also, in some cases, pesticide application would be allowed when it is unlikely that pollinators will be foraging for crops that have extended bloom periods or when pesticides have a low residual toxicity.
- Applications of acutely toxic pesticides would be prohibited under certain conditions when bees are most likely to be present.
- The EPA will begin implementing this policy in 2017 by sending letters to registrants describing steps that must be taken to incorporate the new labeling.
- This policy was part of a broad federal effort to address bee health.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Kime, Robin
Sent: Wed 3/1/2017 3:11:01 PM
Subject: FW: List of OMB rules
[OMB listof rules Feb 23 2017 1 pager.docx](#)
[OMB list of rules Feb 23 2017.xlsx](#)

Hi

I'll bring hard copies to you now, just wanted you to have this electronically if need be.

From: Rees, Sarah
Sent: Wednesday, March 01, 2017 10:10 AM
To: Kime, Robin <Kime.Robin@epa.gov>
Subject: List of OMB rules

The list is in the excel file; the word document is a one pager explaining the list a little bit. Let me know if you have any questions.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacy (m)

CATEGORY	SUBJECT	SUMMARY	RECOMMENDED ACTION
Other	GHG	<ul style="list-style-type: none"> Mid-Term Review Decision of GHG Standards for Cars and Light Trucks. On January 12, 2017, the EPA determined to maintain the current GHG emissions standards for model year (MY) 2022-2025 vehicles. 	
Guidance	Air	<ul style="list-style-type: none"> Federal GHG Accounting and Reporting Guidance. This CEQ led effort provides methods for calculating GHG emissions in accordance with E.O. 13693. This was finalized on January 17, but is not currently posted on the CEQ website. 	

Ex. 5 - Deliberative Process

Guidance	Remediating Contaminated Sediment Sites Directive	<ul style="list-style-type: none"> Remediating Contaminated Sediment Sites Directive. On January 9, 2017, Assistant Administrator Mathy Stanislaus issued a directive to the Regional Administrators following up on recommendations made by GAO on sediment site remediation. EPA plans on sending to Congress under a cover letter approved by OMB in the next few weeks. 	Ex. 5 - Deliberative Process
Policy Action	Pesticides	<ul style="list-style-type: none"> Final policy for addressing acute risks to bees from pesticides (1/12/17). Prohibits applications of acutely toxic pesticides under certain conditions when bees are most likely to be present. 	
Regulatory Action	Nanoscale Materials	<ul style="list-style-type: none"> Final rule for Reporting and Record Keeping Requirements on Nanoscale Materials (1/11/17). Industry is required to participate in a one-time reporting requirement concerning chemicals made at the nanoscale. 	
Other	Endangered species	<ul style="list-style-type: none"> Final biological evaluations of three chemicals' (chlorpyrifos, diazinon, and malathion) impacts on endangered species (1/18/17). Because these pesticides are used widely it was found that they 'may affect' or are 'likely to adversely affect' a variety of species across multiple taxa. 	
Other	Pesticides, Drinking Water	<ul style="list-style-type: none"> Updated list of human health benchmarks for pesticides in drinking water (1/18/17). EPA posted an update of benchmark values for public drinking water systems to determine if the levels of pesticides present in water samples may pose a risk to human health. 	

Regulatory Action	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: Rhode Island; Clean Air Act Infrastructure State and Federal Implementation Plans: Delayed until 3/21/2017. FR Document Numbers 2016-31444 (2017-01822)
Regulatory Action	Regulatory Action	Hazard Ranking System	<ul style="list-style-type: none"> • Addition of a Subsurface Intrusion Component to the Hazard Ranking System Final Rulemaking (1/19/17). This rule allows Subsurface Intrusion to be included as a factor in scoring a contaminated site under the Hazard Ranking System for inclusion on the Superfund National Priorities List.
Regulatory Action	Regulatory Action	Pesticides	<ul style="list-style-type: none"> • Certified Applicators of Restricted Use Pesticides Final Rule (1/4/17). Only certified applicators can spray restricted use pesticides. The final rule published on January 4, 2017 updates competency standards and raises the minimum age of certified applicators. Under the rule, states submit plans for EPA's approval that explain how state certification programs comply with the updated standards.
Regulatory Action	Regulatory Action	Emission Standards	Formaldehyde Emission Standards for Composite Wood Products: Delayed until 3/21/2017. FR Document Numbers 2016-27987 (2017-01822)
Regulatory Action	Regulatory Action	Biomass Fuel Standards	Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018: Delayed until 3/21/2017. FR Document Numbers 2016-28879 (2017-01822)
Regulatory Action	Regulatory Action	Emission Standards	Revisions to National Emission Standards for Radon Emissions from Operating Mill Tailings: Delayed until 3/21/2017. FR Document Numbers 2016-31425 (2017-01822)
Regulatory Action	Regulatory Action	Civil Penalties	Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits: Procedures for Decisionmaking: Delayed until 3/21/2017. FR Document Numbers 2016-31638 (2017-01822)
Regulatory Action	Regulatory Action	Air Quality	Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter: Delayed until 3/21/2017. FR Document Numbers 2016-31747 (2017-01822)
Regulatory Action	Regulatory Action	Discharge Standards	Uniform National Discharge Standards for Vessels of the Armed Forces: Phase II Batch One: Delayed until 3/21/2017. FR Document Numbers 2017-00153 (2017-02594)

Regulatory Action	Regulatory Action	CAA Risk Management	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act: Delayed until 3/21/2017. FR Document Numbers 2016-31426 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM2.5 Nonattainment Area: Delayed until 3/21/2017. FR Document Numbers 2016-31643 (2017-01822)
Permit	Permit	General Permit	<ul style="list-style-type: none"> Final NPDES General Permit for Stormwater Discharges from Construction Activities (1/19/17). Replaces the prior general permit that prevents operators from needing individual permits.
Other	Other	Water	<ul style="list-style-type: none"> Drinking Water Infrastructure Needs Survey and Assessment – Sixth Report to Congress. OMB received this draft report from EPA on January 19, 2017, for comment and interagency review. The report compiles data collected during FY 2015 on the drinking water infrastructure needs for public water systems across the country and will be used to calculate the allocation formula for State Revolving Fund (SRF) grants beginning in FY 2018. RMO is currently reviewing the report.
Reports	Reports	Annual Toxics Release Inventory	<ul style="list-style-type: none"> Annual Toxics Release Inventory. This EPA Report shows releases of toxic chemicals into the air nation-wide.
Findings of Failure	Findings of Failure	Ozone Plan Findings of Failure: 15 States and DC	<ul style="list-style-type: none"> Ozone Plan Findings of Failure. On January 20, EPA signed "findings of failure" of 15 states and D.C. to submit state implementation plans for the 2008 ozone air quality standard, starting the clock on a two-year window under the Clean Air Act for those jurisdictions to submit approvable plans or become subject to a Federal Implementation Plan.
Regulatory Action	Regulatory Action	Pollution Plans	National Oil and Hazardous Substances Pollution Contingency Plan: National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site: Delayed until 3/21/2017. FR Document Numbers 2016-31032 (2017-01822)
Other	Other	Water	<ul style="list-style-type: none"> Safe Drinking Water Act Assessment of Lead in Drinking Water (1/19/17). EPA published a Federal Register Notice seeking nominations for an expert external peer review panel and public comment on a draft report entitled, "Proposed Modeling Approaches for a Health Based Benchmark for Lead in Drinking Water" and the draft charge questions for the expert peer review panel. Nominations must be received by February 21, 2017, and comments on the draft report and charge questions must be received by March 6, 2017.

Risk Assessment	Risk Assessment	Pesticides	<ul style="list-style-type: none"> • Four neonicotinoid pesticide risk assessments made available for public comment (1/12/17). EPA found that most crop uses do not pose significant risks to bee colonies, but spraying for several crops may pose risks.
Reports	Reports	Toxic Substances Control Act	<ul style="list-style-type: none"> • Report to Congress concerning resource and capacity needs to conduct chemical risk evaluations under the amended Toxic Substances Control Act (TSCA). As required by the recently amended TSCA, EPA provided this report to Congress on January 19, 2017. EPA indicated that the additional requirements of the amended TSCA pose resource challenges, but that the agency is working to increase capacity to implement the requirements of the new law.
Permit	Permit	General Permit	<ul style="list-style-type: none"> • Proposed Reissuance of the NPDES General Permit for Facilities Related to Oil and Gas Extraction in the Territorial Seas of Texas (1/19/17). Replaces the prior general permit that prevents operators from needing to secure individual permits. Authorizes discharges from exploration, development, and production facilities located in and discharging into the territorial seas off Texas.
Regulatory Action	Regulatory Action	Water	<ul style="list-style-type: none"> • Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin (1/13/17). Rule would implement section 425 of the FY 2016 Appropriations Bill to establish public notice requirements.
Other	Other	Incinerator Guidelines for States	<ul style="list-style-type: none"> • Proposed Incinerator Guidelines for States (1/10/17). This proposed rule sets emissions limits, progress milestones, and other elements that the state plans are to contain.
Regulatory Action	Regulatory Action	Uranium and Thorium Mill Tailings	<ul style="list-style-type: none"> • Proposed Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings (1/19/17). EPA re-proposed standards applicable to byproduct materials produced by uranium in-situ recovery (ISR). The standards would be implemented by the U.S. Nuclear Regulatory Commission (NRC) and NRC Agreement States.
Regulatory Action	Regulatory Action	CERCLA	<ul style="list-style-type: none"> • CERCLA 108(b) Financial Assurance Proposed Rulemaking for the Hardrock Mining Industry (1/11/17). This proposed rule establishes financial assurance requirements for the Hardrock Mining industry under CERCLA 108(b).
Regulatory Action	Regulatory Action	CERCLA	<ul style="list-style-type: none"> • CERCLA 108(b) Financial Assurance Notice for the Chemical, Petroleum, and Electric Power Industries (1/11/17). This notified the chemical manufacturing, petroleum and coal products manufacturing, and electric power generation industries about EPA's intent to issue proposed financial assurance rulemakings pursuant to a court ordered schedule over the next seven years.

Regulatory Action	Regulatory Action	Trichloroethylene Ban	<ul style="list-style-type: none"> Proposed rule to ban trichloroethylene (TCE) when used in vapor degreasing (1/11/17). The proposed rule affects consumer and occupational settings.
Regulatory Action	Regulatory Action	Methylene chloride and NMP use	<ul style="list-style-type: none"> Proposed rule to limit methylene chloride and NMP when used as paint removers (1/12/17). The proposed rule affects consumer and occupational settings.
Regulatory Action	Regulatory Action	Toxic Release Inventory	<ul style="list-style-type: none"> Proposed rule to add natural gas processing facilities to list of industrial sectors covered by the Toxic Release Inventory (1/6/17).
Regulatory Action	Regulatory Action	Underground Injection Control	State of Kentucky Underground Injection Control (UIC) Class II Program: Primacy Approval: Delayed until 3/21/2017. FR Document Numbers 2016-25931 (2017-01822)
Regulatory Action	Regulatory Action	Municipal Solid Waste	Determination of Full Program Adequacy of Washington Municipal Solid Waste Landfill Permit Program: Delayed until 3/21/2017. FR Document Numbers 2016-26754 (2017-01822)
Regulatory Action	Regulatory Action	Fine Particulate Matter Standards	Determination of Attainment of the 2012 Annual Fine Particulate Matter Standard: Pennsylvania; Delaware County Nonattainment Area: Delayed until 3/21/2017. FR Document Numbers 2016-29751 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Air Plan Approval: Michigan; Part 9 Miscellaneous Rules: Delayed until 3/21/2017. FR Document Numbers 2016-30195 (2017-01822)
Regulatory Action	Regulatory Action	Air Quality	Determination of Attainment of the 2008 Ozone National Ambient Air Quality Standards: Mariposa County, California: Delayed until 3/21/2017. FR Document Numbers 2016-30477 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Louisiana; Redesignation of Baton Rouge 2008 8-Hour Ozone Nonattainment Area to Attainment: Delayed until 3/21/2017. FR Document Numbers 2016-30776 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Air Plan Approval: Wisconsin; Infrastructure SIP Requirements for the 2012 PM2.5 NAAQS: Delayed until 3/21/2017. FR Document Numbers 2016-31017 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: New York Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review; Infrastructure State Implementation Plan Requirements: Delayed until 3/21/2017. FR Document Numbers 2016-31018 (2017-01822)

Regulatory Action	Regulatory Action	State Implementation Plans	Air Plan Approval: KY; RACM Determination for the KY Portion of the Louisville Area 1997 Annual PM2.5: Delayed until 3/21/2017. FR Document Numbers 2016-31023 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Approval of California Air Plan Revisions, Great Basin Unified Air Pollution Control District: Delayed until 3/21/2017. FR Document Numbers 2016-31225 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Approval of California Air Plan Revisions, South Coast Air Quality Management District: Delayed until 3/21/2017. FR Document Numbers 2016-31226 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Air Plan Approval: Illinois; Volatile Organic Compounds Definition: Delayed until 3/21/2017. FR Document Numbers 2016-31227 (2017-01822)
Regulatory Action	Regulatory Action	Underground Injection Control	State of Kentucky Underground Injection Control (UIC) Class II Program: Primacy Approval: Delayed until 3/21/2017. FR Document Numbers 2016-31268 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: Louisiana; State Boards: Delayed until 3/21/2017. FR Document Numbers 2016-31332 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Approval of Arizona Air Plan Revisions: Ajo and Morenci, Arizona; Second 10-Year Sulfur Dioxide Maintenance Plans and Technical Correction: Delayed until 3/21/2017. FR Document Numbers 2016-31637 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Air Plan Approval: Georgia: Procedures for Testing and Monitoring Sources of Air Pollutants: Delayed until 3/21/2017. FR Document Numbers 2016-31753 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: Texas; Control of Air Pollution from Visible Emissions and Particulate Matter: Delayed until 3/21/2017. FR Document Numbers 2017-00087 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: Alabama; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard: Delayed until 3/21/2017. FR Document Numbers 2017-00159 (2017-01822)
Regulatory Action	Regulatory Action	State Implementation Plans	Air Plan Approval: TN Infrastructure Requirements for the 2010 NO2 NAAQS: Delayed until 3/21/2017. FR Document Numbers 2017-00161 (2017-01822)

Enforcement Actions	Enforcement Actions	CAA	<ul style="list-style-type: none"> EPA Notification - Fiat Chrysler of Clean Air Act Violations for alleged violations of the Clean Air Act. Violations include installing and failing to disclose engine management software with 3.0 liter diesel engines sold in the United States.
Denial of Claims	Denial of Claims	Gold King Mine Claims	<ul style="list-style-type: none"> Gold King Mine Claims. On January 13, 2017, EPA denied a majority of claims filed under the Federal Tort Claims Act related to the August 5, 2015 Gold King Mine Release. EPA will continue to operate the water treatment facility at the site and water monitoring programs in areas previously impacted by the spill.
Enforcement Actions	Enforcement Actions	Proposed Consent Decree	<ul style="list-style-type: none"> Volkswagen Settlement. On January 10th, EPA and Volkswagen released a negotiated draft settlement with U.S. authorities over the company's diesel emissions scandal. Criminal and Civil fines related to this settlement could total \$4.3 billion.

CATEGORY	RECOMMENDED ACTION
Other	Ex. 5 - Deliberative Process
Guidance	
Other	
Guidance	
Policy Action	
Regulatory Action	
Other	
Other	
Other	

Regulatory Action	Consider further action
Regulatory Action	Ex. 5 - Deliberative Process
Regulatory Action	

Regulatory Action	Ex. 5 - Deliberative Process
Regulatory Action	
Permit	
Other	
Reports	
Findings of Failure	
Regulatory Action	
Other	

Risk Assessment	Ex. 5 - Deliberative Process
Reports	
Permit	
Regulatory Action	
Other	
Regulatory Action	
Regulatory Action	
Regulatory Action	

Regulatory Action	Ex. 5 - Deliberative Process
Regulatory Action	

Regulatory Action	Ex. 5 - Deliberative Process
Regulatory Action	

Enforcement Actions	Ex. 5 - Deliberative Process
Denial of Claims	
Enforcement Actions	

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Rees, Sarah
Sent: Wed 3/1/2017 12:20:57 AM
Subject: Regulatory actions - for discussion 3/1
Regulatory actions hot list March 1 2017.docx

Hi Samantha – Robin asked that I put together a short list of “hot” regulatory actions on a daily basis so that you have these for your morning meeting with Administrator Pruitt. We may not have something every day, but I’ll certainly run the traps and make sure. What I have attached is a list of items that immediately require attention over the next month – to the extent they are currently in our system. I think we will soon need a focused discussion about expanding the scope of what we track so that we can more comprehensively manage the flow of regulations.

The action that I believe needs urgent focus and attention is Chlorpyrifos as we discussed yesterday. We have to take final action on revoking the tolerance for this insecticide (basically whether to ban it or not) by March 31. I know you said a briefing is already in the works to be scheduled, but I am very concerned that we are down to the wire, so have included it and added some substantive bullets.

Ex. 5 - Deliberative Process

Please let me know if you need anything else or have questions on any of this; I am available by cell Ex. 6 - Personal Privacy or email.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacy (m)

Priority Regulatory Items – March 1, 2017

Chlorpyrifos: Court-ordered deadline to take final action by March 31, 2017 (U.S. Court of Appeals for the Ninth Circuit in Pesticide Action Network North America (PANNA) v. EPA, No. 14-72794).

Background: In 2015, EPA proposed to revoke all tolerances (maximum legal residue for food) for chlorpyrifos based on an assessment of safety. This action would finalize the tolerance revocation. This is an action that has been in development for many years, and has a great deal of stakeholder interest. Chlorpyrifos is one of the most widely used insecticides for food crops and is also used for non-food uses – e.g., mosquito control.

Issues:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Rees, Sarah
Sent: Tue 2/28/2017 8:36:46 PM
Subject: Revised FR Queue List
FR queue 2.28.2017_shortSort.xlsx

Hi Samantha – attached is the current (as of today) FR queue list. There are some areas highlighted – those are for actions that are new to the queue that we weren't able to get a description in yet; that will be completed shortly.

The back page has a summary of the count by action type; there are currently 105 actions in the queue. Again, that sounds daunting but we have recommendations on categories that can go without too much additional inquiry so that this list becomes manageable.

I will send you the email memorializing the decisions we made on actions that are cleared to go to the Federal Register later today.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacy (m)

FR Queue Active Master List

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Paul Schlegel[pauls@fb.org]; Kreutzer, David[kreutzer.david@epa.gov]
From: Dravis, Samantha
Sent: Thur 3/30/2017 4:34:15 PM
Subject: RE: News release - Farm Bureau Praises EPA Chlorpyrifos Decision

Thank you, Paul for your support.

From: Paul Schlegel [mailto:pauls@fb.org]
Sent: Thursday, March 30, 2017 10:56 AM
To: Kreutzer, David <kreutzer.david@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: News release - Farm Bureau Praises EPA Chlorpyrifos Decision

David & Samantha –

I wanted you to the press statement we have issued. We're very supportive of the Administrator's decision yesterday.

Paul

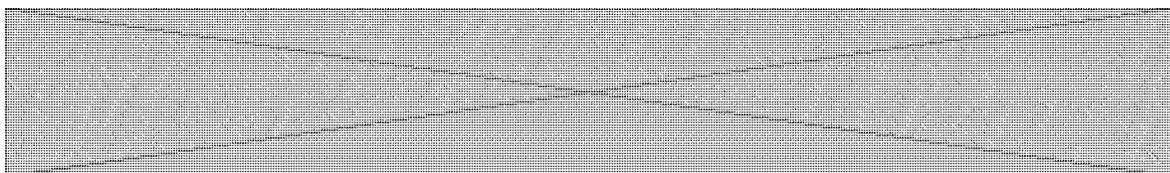
Paul Schlegel

Director, Energy and Environment Team

Direct: (202) 406-3687

Cell: Ex. 6 - Personal Privacy

Email: pauls@fb.org



Contacts: Will Rodger
(202) 406-3642
willr@fb.org

Kari Barbic
(202) 406-3672
karib@fb.org

Farm Bureau Praises EPA Chlorpyrifos Decision

WASHINGTON, D.C., March 30, 2017 – American Farm Bureau Federation President Zippy Duvall today applauded Environmental Protection Agency Administrator Scott Pruitt for rejecting a petition that would have eliminated the use of chlorpyrifos in agriculture.

“Farmers nationwide depend on chlorpyrifos in managing their crops,” Duvall said. “It is widely and safely used for a wide range of crops, including alfalfa, citrus, vegetables, soybeans, almonds and others. It also protects hundreds of thousands of acres of grass seed production, where it controls aphids, cutworms and other pests. As USDA has noted, chlorpyrifos has been used as a part of environmentally friendly IPM (integrated pest management) programs for nearly 50 years.”

Duvall noted that the chemical is still subject to registration review and any concerns about its safe use can be addressed in that process.

AFBF earlier filed comments with EPA expressing concern over the agency’s approach. The agency had apparently relied on epidemiological studies even though researchers had failed to share raw data with the agency. EPA’s own Scientific Advisory Panel, as well as USDA, had expressed caution about how the agency used the epidemiological study.

To: Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 9:02:24 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 5:02 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 5:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:58 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Jackson, Ryan

Sent: Wednesday, March 29, 2017 4:52 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto: dravis.samantha@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ok. As long as we have a foundation for that from a fellow chemical person. I trust you.

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:51 PM
To: Jackson, Ryan <[jackson.ryan@epa.gov](mailto: jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto: dravis.samantha@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Well, the stuff I had said it was, but I wrote “one of” to be sure...

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 4:51 PM
To: Dravis, Samantha <[dravis.samantha@epa.gov](mailto: dravis.samantha@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote

This is great.

Most widely used in the world? That’s true?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:46 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>
Cc: Jackson, Ryan <[jackson.ryan@epa.gov](mailto: jackson.ryan@epa.gov)>
Subject: RE: For Ray Review: Updated Release w USDA Quote

He said go with it, I think. Text him

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:44 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

It may not, I just was double checking. I think JP is editing it now, but we have it t-ed up and ready to go out, as soon as JP gives the go.

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:43 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:03 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz

Sent: Wednesday, March 29, 2017 3:55 PM

To: Freire, JP <Freire.JP@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>

Subject: RE: For Ray Review: Updated Release w USDA Quote

Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin...” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

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To: Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 9:01:25 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Wednesday, March 29, 2017 5:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
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To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
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Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

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To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
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Importance: High

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Subject: RE: For Ray Review: Updated Release w USDA Quote

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To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

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To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 8:43:06 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 4:03 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 4:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
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Ex. 5 - Deliberative Process

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To: Bowman, Liz[Bowman.Liz@epa.gov]; Freire, JP[Freire.JP@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 8:01:29 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

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Ex. 5 - Deliberative Process

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To: Bowman, Liz[Bowman.Liz@epa.gov]; Freire, JP[Freire.JP@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 7:57:24 PM
Subject: RE: For Ray Review: Updated Release w USDA Quote

Ok so was this sent to Ray or no?

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 3:55 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: For Ray Review: Updated Release w USDA Quote
Importance: High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin....” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Flynn, Mike[Flynn.Mike@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 6:15:49 PM
Subject: FW: Chlorpyrifos - TIME SENSITIVE

Ex. 5 - Deliberative Process

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 2:14 PM
To: Reeder, John <Reeder.John@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>
Subject: Chlorpyrifos - TIME SENSITIVE

All,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks for your attention to this.

Samantha

To: Reeder, John[Reeder.John@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 6:14:31 PM
Subject: Chlorpyrifos - TIME SENSITIVE

All,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks for your attention to this.

Samantha

To: Bennett, Tate[Bennett.Tate@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
Cc: Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 5:56:39 PM
Subject: RE: chlorpyrifos

We are denying a petition by PANNA (Pesticide Action Network of North America) and NRDC to ban entirely the use of Chloropyrifos.

Liz has a draft press release that is informative.

From: Bennett, Tate
Sent: Wednesday, March 29, 2017 1:56 PM
To: Schwab, Justin <schwab.justin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: chlorpyrifos

Is this something I can give House/Sen Ag chairs a heads up on? If so, what exactly are we doing? All I know is they will be excited and likely want to do press.

Elizabeth Tate Bennett

Sr. Advisor to the Administrator

Office of Congressional and Intergovernmental Affairs

U.S. Environmental Protection Agency

To: Bowman, Liz[Bowman.Liz@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 2:11:13 PM
Subject: RE: For Review: Draft Press Release on Chlorpyrifos Petition

Can you give me a quick call about the comms plan? I am at my desk

I have no idea what my desk number is... :/

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 9:46 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: For Review: Draft Press Release on Chlorpyrifos Petition

Below, for review, please find a draft release on SP's order today on Chlorpyrifos. This language might be too strong, but I thought I would take a stab and y'all can edit/adjust as you see fit. JP – I talked with Sam about this earlier, and John and I also talked about a plan to announce; let me know when you have a minute to discuss. Thank you – Liz

Ex. 5 - Deliberative Process

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To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 2:08:35 PM
Subject: FW:

From: Dravis, Samantha
Sent: Wednesday, March 29, 2017 10:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Headline is too hyperbolic, tone it down.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 2:07:35 PM

Headline is too hyperbolic, tone it down.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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To: Bowman, Liz[Bowman.Liz@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/29/2017 1:59:06 PM
Subject: RE: For Review: Draft Press Release on Chlorpyrifos Petition

Did you run this by Ray Starling at the White House?

I will have some edits that I'll send shortly.

From: Bowman, Liz
Sent: Wednesday, March 29, 2017 9:46 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Konkus, John <konkus.john@epa.gov>
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To: Kime, Robin[Kime.Robin@epa.gov]
From: Dravis, Samantha
Sent: Mon 3/27/2017 12:52:43 PM
Subject: doc
Arkansas List of Impaired Waters.docx

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

Arkansas List of Impaired Waters

Chlorpyrifos

- Working with Ray Starling to coordinate denial with USDA
- OEX is preparing the signature package

Ex. 5 - Deliberative Process

To: Rees, Sarah[rees.sarah@epa.gov]
From: Dravis, Samantha
Sent: Sun 3/26/2017 9:55:40 PM
Subject: RE: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

I finally had a chance to read the denial. Interesting stuff.. helpful to understanding FIFRA and FFDCA

From: Rees, Sarah
Sent: Sunday, March 26, 2017 5:24 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Will do.

From: Dravis, Samantha
Sent: Sunday, March 26, 2017 5:21:14 PM
To: Rees, Sarah
Subject: FW: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Let's have OEX tee this up for SPs signature.

No autopen, I need to check with the White House on this because they may want to do something in conjunction with USDA on it and I don't want it executed before I have a chance to do that. Thanks!

From: Cleland-Hamnett, Wendy
Sent: Friday, March 24, 2017 5:45 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Fw: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Status of the order below, and copy attached. Hope you all have a good weekend.

From: Hofmann, Angela
Sent: Friday, March 24, 2017 5:09 PM
To: Cleland-Hamnett, Wendy; Wise, Louise
Cc: Mojica, Andrea; Friedman, Dana; Chun, Melissa; Keigwin, Richard; Dyner, Mark; Guilaran, Yu-Ting; Smith, Charles; Costello, Kevin; Strauss, Linda; Dunton, Cheryl
Subject: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Hi Wendy,

I just dropped off the final signature package with Andrea. Attached is an electronic copy – in case you want another look or want to share it with others.

I have things lined up with OP to get the package to them in the morning on Monday, and they are ready to process it with deadline in mind. Susan is ready to track it once I get it to OP and will coordinate getting it signed on time and back to us promptly.

- Angela

To: Rees, Sarah[rees.sarah@epa.gov]
From: Dravis, Samantha
Sent: Sun 3/26/2017 9:21:14 PM
Subject: FW: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions
[ChlorpyrifosActionMemo_03-24-2017.docx](#)
[FRL9960-77_Petition_Response_Order_30.docx](#)

Let's have OEX tee this up for SPs signature.

No autopen, I need to check with the White House on this because they may want to do something in conjunction with USDA on it and I don't want it executed before I have a chance to do that. Thanks!

From: Cleland-Hamnett, Wendy
Sent: Friday, March 24, 2017 5:45 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Fw: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

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Sent: Friday, March 24, 2017 5:09 PM
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Cc: Mojica, Andrea; Friedman, Dana; Chun, Melissa; Keigwin, Richard; Dyner, Mark; Guilaran, Yu-Ting; Smith, Charles; Costello, Kevin; Strauss, Linda; Dunton, Cheryl
Subject: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances - Electronic Copy of Final Versions

Hi Wendy,

I just dropped off the final signature package with Andrea. Attached is an electronic copy – in case you want another look or want to share it with others.

I have things lined up with OP to get the package to them in the morning on Monday, and they are ready to process it with deadline in mind. Susan is ready to track it once I get it to OP and

will coordinate getting it signed on time and back to us promptly.

- Angela



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MEMORANDUM

**SUBJECT: Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances
- ACTION MEMORANDUM**

FROM: Wendy Cleland-Hamnett
Acting Assistant Administrator (7101M)

THRU: Office of Policy (1804A)
Office of Executive Secretariat (1105A)

TO: E. Scott Pruitt
EPA Administrator (1101A)

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

DOCUMENT ED_001225_00001063 HAS BEEN
WITHHELD IN FULL UNDER FOIA EXEMPTION 5,
DELIBERATIVE PROCESS

To: Rees, Sarah[rees.sarah@epa.gov]
From: Dravis, Samantha
Sent: Mon 3/20/2017 2:11:20 PM
Subject: FW: Chloropyrifos
CPYFOS.Petition Response.md.3.16.17.doc

Could we go ahead and prepare this order for signature, assuming that there are no issues with this? I am reading through it now.

From: Cleland-Hamnett, Wendy
Sent: Thursday, March 16, 2017 2:57 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Samantha,

Attached is our first draft of the order denying the petition. As such, please be aware that we are still in the process of editing. If you see typos or citations, etc. to be filled in, folks are working on those. Also, it's been reviewed at the Associate General Counsel level (Kevin McLean) but Kevin Minoli and Justin Schwab haven't yet reviewed. But I think this version will allow you to see how we're describing the basis for the denial.

The most relevant sections, describing our basis for denying the petition at this time, are on pages 8-9 and 38-41. As you'll read in the notice, the Agency previously provided 2 interim responses. In 2012 we denied one claim completely and, in 2014, expressed an intent to deny 6 other claims. In this document, we're also finalizing the denial of those 6 claims to completely close out the petition response. The description of the bases for those earlier denials are cut & pasted from those earlier documents.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

In the meantime, we'll also work with OPA on communications. I've asked my coms people to hold off on preparing anything until we've settled on the substance.

Always happy to answer questions or come over to discuss.

Wendy

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha

Sent: Thursday, March 16, 2017 11:04 AM

To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: RE: Chloropyrifos

Great, thanks much!

From: Cleland-Hamnett, Wendy
Sent: Thursday, March 16, 2017 10:48 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Samantha,

I received the first draft late yesterday and am now working through the 40+ pages. Will meet with OGC and the pesticides program at 11:00. Will get back to you after that.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha
Sent: Thursday, March 16, 2017 10:31 AM
To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Chloropyrifos

Wendy:

I'm checking in on the draft of the petition denial for Chloropyrifos. I know we still have a bit of time before the 3/31 deadline, but I'd like to know where this is in the process as well as take a look at how the denial has been drafted given the record, to make sure we have time to ask any last minute questions. Could you send over an update?

Thank you very much.

Samantha

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

DOCUMENT ED_001225_00001065 HAS BEEN
WITHHELD IN FULL UNDER FOIA EXEMPTION 5,
DELIBERATIVE PROCESS

To: Rees, Sarah[rees.sarah@epa.gov]
From: Dravis, Samantha
Sent: Mon 3/20/2017 2:06:04 PM
Subject: FW: Chloropyrifos
MAIL_RECEIVED: Mon 3/20/2017 2:06:00 PM
[CPYFOS.Petition Response.md.3.16.17.doc](#)

Could you take a look at this and offer any thoughts or feedback?

From: Cleland-Hamnett, Wendy
Sent: Thursday, March 16, 2017 2:57 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Samantha,

Attached is our first draft of the order denying the petition. As such, please be aware that we are still in the process of editing. If you see typos or citations, etc. to be filled in, folks are working on those. Also, it's been reviewed at the Associate General Counsel level (Kevin McLean) but Kevin Minoli and Justin Schwab haven't yet reviewed. But I think this version will allow you to see how we're describing the basis for the denial.

The most relevant sections, describing our basis for denying the petition at this time, are on pages 8-9 and 38-41. As you'll read in the notice, the Agency previously provided 2 interim responses. In 2012 we denied one claim completely and, in 2014, expressed an intent to deny 6 other claims. In this document, we're also finalizing the denial of those 6 claims to completely close out the petition response. The description of the bases for those earlier denials are cut & pasted from those earlier documents.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

In the meantime, we'll also work with OPA on communications. I've asked my coms people to hold off on preparing anything until we've settled on the substance.

Always happy to answer questions or come over to discuss.

Wendy

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha

Sent: Thursday, March 16, 2017 11:04 AM

To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: RE: Chloropyrifos

Great, thanks much!

From: Cleland-Hamnett, Wendy
Sent: Thursday, March 16, 2017 10:48 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Samantha,

I received the first draft late yesterday and am now working through the 40+ pages. Will meet with OGC and the pesticides program at 11:00. Will get back to you after that.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha
Sent: Thursday, March 16, 2017 10:31 AM
To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Chloropyrifos

Wendy:

I'm checking in on the draft of the petition denial for Chloropyrifos. I know we still have a bit of time before the 3/31 deadline, but I'd like to know where this is in the process as well as take a look at how the denial has been drafted given the record, to make sure we have time to ask any last minute questions. Could you send over an update?

Thank you very much.

Samantha

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

DOCUMENT ED_001225_00001067 HAS BEEN
WITHHELD IN FULL UNDER FOIA EXEMPTION 5,
DELIBERATIVE PROCESS

To: Rees, Sarah[rees.sarah@epa.gov]
From: Dravis, Samantha
Sent: Thur 3/16/2017 7:02:38 PM
Subject: FW: Chloropyrifos
MAIL_RECEIVED: Thur 3/16/2017 7:02:00 PM
[CPYFOS.Petition Response.md.3.16.17.doc](#)

From: Cleland-Hamnett, Wendy
Sent: Thursday, March 16, 2017 2:57 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Samantha,

Attached is our first draft of the order denying the petition. As such, please be aware that we are still in the process of editing. If you see typos or citations, etc. to be filled in, folks are working on those. Also, it's been reviewed at the Associate General Counsel level (Kevin McLean) but Kevin Minoli and Justin Schwab haven't yet reviewed. But I think this version will allow you to see how we're describing the basis for the denial.

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Ex. 5 - Deliberative Process



Ex. 5 - Deliberative Process

In the meantime, we'll also work with OPA on communications. I've asked my coms people to hold off on preparing anything until we've settled on the substance.

Always happy to answer questions or come over to discuss.

Wendy

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Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha

Sent: Thursday, March 16, 2017 11:04 AM

To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: RE: Chloropyrifos

Great, thanks much!

From: Cleland-Hamnett, Wendy
Sent: Thursday, March 16, 2017 10:48 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: Chloropyrifos

Samantha,

I received the first draft late yesterday and am now working through the 40+ pages. Will meet with OGC and the pesticides program at 11:00. Will get back to you after that.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

From: Dravis, Samantha
Sent: Thursday, March 16, 2017 10:31 AM
To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Chloropyrifos

Wendy:

I'm checking in on the draft of the petition denial for Chloropyrifos. I know we still have a bit of time before the 3/31 deadline, but I'd like to know where this is in the process as well as take a look at how the denial has been drafted given the record, to make sure we have time to ask any last minute questions. Could you send over an update?

Thank you very much.

Samantha

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

DOCUMENT ED_001225_00001069 HAS BEEN
WITHHELD IN FULL UNDER FOIA EXEMPTION 5,
DELIBERATIVE PROCESS

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Dravis, Samantha
Sent: Tue 3/14/2017 11:19:04 AM
Subject: RE: Regulatory Hot Topics for 3/14

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Tuesday, March 14, 2017 5:37 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re: Regulatory Hot Topics for 3/14

Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Mar 14, 2017, at 5:31 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 13, 2017, at 10:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

What's a full denial? You either do or you don't.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Mar 13, 2017, at 8:50 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Rees, Sarah

Sent: Monday, March 13, 2017 6:23 PM

To: Dravis, Samantha <dravis.samantha@epa.gov>

Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; Kime, Robin

<Kime.Robin@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>

Subject: Regulatory Hot Topics for 3/14

Hi Samantha – here are the new regulatory hot topics for tomorrow. I haven't brought up items already discussed and in need of follow-up. Also there are other items in queue for Administrator signature, but they are not immediately pressing, so I'm not raising here.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Chlorpyrifos

- [REDACTED] Need to know that there is a final decision on the petition – OMB is asking and wants interagency review if we do anything other than a full denial
- [REDACTED] Need to know when OCSPP will have a revised package ready reflective of this decision so we can meet the 3/31 deadline

Let me know if you need anything else.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) [REDACTED] (m)

To: Benton, Donald[benton.donald@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 2:36:10 PM
Subject: RE: Checking in

Well good, I look forward to spending more time with you then! Thanks.

-----Original Message-----

From: Benton, Donald
Sent: Wednesday, March 8, 2017 9:35 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: Checking in

Weird, I was responding to your email about the 3pm. We meet everyday to boil down all the hot issues into what is most important for Scott to get decisions from him the next morning at the 8am. Love to have you instead of Shannon. She was asked yesterday to prepare a chronological list of issues based on deadline dates due to bring to each meeting. See you at 3 today.

Don

Sent from my iPad

> On Mar 8, 2017, at 9:22 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> I didn't get a message here.

>

> -----Original Message-----

> **From:** Benton, Donald

> **Sent:** Wednesday, March 8, 2017 8:02 AM

> **To:** Dravis, Samantha <dravis.samantha@epa.gov>

> **Subject:** Re: Checking in

>

>

>

> Sent from my iPad

>

>> On Mar 8, 2017, at 6:55 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> Good morning gentlemen!

>>

>> I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that going forward instead of Shannon. Could you forward me calendar invitations?

>>

>> Thank you!

>>

>> -----Original Message-----

>> **From:** Kenny, Shannon

>> **Sent:** Tuesday, March 7, 2017 5:40 PM

>> **To:** Dravis, Samantha <dravis.samantha@epa.gov>

>> **Cc:** Rees, Sarah <rees.sarah@epa.gov>

>> **Subject:** Checking in

>>

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

>>

>> I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

>>

>> Shannon

>>

>> Sent from my iPhone

To: Benton, Donald[benton.donald@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 2:22:09 PM
Subject: RE: Checking in

I didn't get a message here.

-----Original Message-----
From: Benton, Donald
Sent: Wednesday, March 8, 2017 8:02 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: Checking in

Sent from my iPad

> On Mar 8, 2017, at 6:55 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:
>
> Good morning gentlemen!
>
> I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that
> going forward instead of Shannon. Could you forward me calendar invitations?
>
> Thank you!
>
> -----Original Message-----
> From: Kenny, Shannon
> Sent: Tuesday, March 7, 2017 5:40 PM
> To: Dravis, Samantha <dravis.samantha@epa.gov>
> Cc: Rees, Sarah <rees.sarah@epa.gov>
> Subject: Checking in
>

Ex. 5 - Deliberative Process

> I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that
> process and how to make it serve the Administrator better. It may also be good to chat about how to
> make it serve you better in your AA role.

>
> Shannon
>
> Sent from my iPhone

To: Kenny, Shannon[Kenny.Shannon@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 2:14:34 PM
Subject: Re: Checking in

Happy to meet with you now.

Sent from my iPhone

> On Mar 8, 2017, at 7:55 AM, Kenny, Shannon <Kenny.Shannon@epa.gov> wrote:

Ex. 5 - Deliberative Process

> Shannon.

>

> Sent from my iPhone

>

>> On Mar 8, 2017, at 6:54 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> Shannon,

>>

Ex. 5 - Deliberative Process

>> Thank you Shannon. As always, if we need to discuss or talk please come on in.

>>

>> Samantha

>>

>>

>> -----Original Message-----

>> From: Kenny, Shannon

>> Sent: Tuesday, March 7, 2017 5:40 PM

>> To: Dravis, Samantha <dravis.samantha@epa.gov>

>> Cc: Rees, Sarah <rees.sarah@epa.gov>

>> Subject: Checking in

>>

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

>>

>> I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

>>

>> Shannon

>>

>> Sent from my iPhone

To: Kime, Robin[Kime.Robin@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 12:24:50 PM
Subject: FW: Regulatory "hot" list and revised FR queue
[FR queue 3.8.2017_shortSortrev2.xlsx](#)
[FR Packet 3.8.2017rev2.docx](#)

Could one of you print this email and the attachments, and then bring some more printer paper into my office. Thank you so much.

From: Rees, Sarah
Sent: Tuesday, March 7, 2017 6:22 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>
Subject: Regulatory "hot" list and revised FR queue

Hi Samantha – I've attached the revised FR queue (current as of today) as well as an updated list of actions in the FR queue with near-term deadlines.

Of the near-term deadlines, the ones that are most pressing are three that are highlighted; two are notices of upcoming meetings, another is extension of a comment period (which was requested by a trade association). I can run these through Byron or catch up with you if you have time tomorrow; these should not be considered controversial.

I mentioned earlier today that there are 2 actions upcoming for Administrator signature in mid-March that is being driven by a consent decree deadline.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We are starting to get other actions in the queue for the Administrator's signature that don't have hard legal deadlines but are being driven by other issues. We should probably talk about what

the process should look like for queuing items up for Administrator signature.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)

FR Queue Active Master List

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Schnare, David[schnare.david@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 12:00:23 PM
Subject: RE: Checking in

Ok coming to visit you

-----Original Message-----

From: Schnare, David
Sent: Wednesday, March 8, 2017 7:00 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: Checking in

yes

-----Original Message-----

From: Dravis, Samantha
Sent: Wednesday, March 8, 2017 6:59 AM
To: Schnare, David <schnare.david@epa.gov>
Subject: RE: Checking in

Are you in the office, David?

-----Original Message-----

From: Schnare, David
Sent: Wednesday, March 8, 2017 6:58 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Checking in

Mike Flynn and I hold an afternoon meeting with selected AO staff to figure out what we need to get before the Administrator at the next morning's Chief of Staff meeting. You are welcome. The time of the meeting tends to bounce around between 3 and 4. Mike Flynn sets this up. I'm cc'ing him on this to ensure you are invited.

D.

-----Original Message-----

From: Dravis, Samantha
Sent: Wednesday, March 8, 2017 6:56 AM
To: Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: FW: Checking in

Good morning gentlemen!

I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that going forward instead of Shannon. Could you forward me calendar invitations?

Thank you!

-----Original Message-----

From: Kenny, Shannon
Sent: Tuesday, March 7, 2017 5:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject: Checking in

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

To: Schnare, David[schnare.david@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 11:59:24 AM
Subject: RE: Checking in

Are you in the office, David?

-----Original Message-----

From: Schnare, David
Sent: Wednesday, March 8, 2017 6:58 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Checking in

Mike Flynn and I hold an afternoon meeting with selected AO staff to figure out what we need to get before the Administrator at the next morning's Chief of Staff meeting. You are welcome. The time of the meeting tends to bounce around between 3 and 4. Mike Flynn sets this up. I'm cc'ing him on this to ensure you are invited.

D.

-----Original Message-----

From: Dravis, Samantha
Sent: Wednesday, March 8, 2017 6:56 AM
To: Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: FW: Checking in

Good morning gentlemen!

I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that going forward instead of Shannon. Could you forward me calendar invitations?

Thank you!

-----Original Message-----

From: Kenny, Shannon
Sent: Tuesday, March 7, 2017 5:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject: Checking in

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 11:55:32 AM
Subject: FW: Checking in

Good morning gentlemen!

I'm not sure what the 3pm meeting Shannon is referring to is, but from now on I would like to attend that going forward instead of Shannon. Could you forward me calendar invitations?

Thank you!

-----Original Message-----

From: Kenny, Shannon
Sent: Tuesday, March 7, 2017 5:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject: Checking in

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

To: Kenny, Shannon[Kenny.Shannon@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 11:54:18 AM
Subject: FW: Checking in

Shannon,

Ex. 5 - Deliberative Process

Thank you Shannon. As always, if we need to discuss or talk please come on in.

Samantha

-----Original Message-----

From: Kenny, Shannon
Sent: Tuesday, March 7, 2017 5:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject: Checking in

Ex. 5 - Deliberative Process

I attended the 3:00 daily meeting with David and Don today. We may want to talk more about that process and how to make it serve the Administrator better. It may also be good to chat about how to make it serve you better in your AA role.

Shannon

Sent from my iPhone

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Dravis, Samantha
Sent: Wed 3/8/2017 1:48:24 AM
Subject: Fwd: Chlorpyrifos - Administrator Briefing

I don't know what she's talking about. Did Shannon tell her the administrator needs a briefing??

Sent from my iPhone

Begin forwarded message:

From: "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>
Date: March 7, 2017 at 6:53:32 PM EST
To: "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: Chlorpyrifos - Administrator Briefing

Can you let me know status? Are we still waiting to find out, or is it not happening tomorrow?

Thanks.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

cleland-hamnett.wendy@epa.gov

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Dravis, Samantha
Sent: Fri 3/3/2017 1:33:33 AM
Subject: Re: Chlorpyrifos Meeting on Friday

Kevin, I also just wanted to make sure to say that I really don't think Robin intended to do any harm. She has gone above and beyond to help me this week, and has made me feel welcome here.

I hate to reprimand her for something when I think she was really just trying to help on an issue that I had indicated was a time pressing topic. Please bear with us as we learn routines and appropriate processes, etc. thanks and hope you have a great evening.

Sent from my iPhone

On Mar 2, 2017, at 8:07 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Sounds like if we simply combine the two meetings we will have Ryan and Samantha, as well as OCSPP, OP, and OGC, which would be great. I am happy to email Sharnett and Robin tonight to ask them to work together to do that if that works for you. We definitely agree you both should be briefed as soon as possible, so this would be a great result if you are ok with it.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Jackson, Ryan
Sent: Thursday, March 02, 2017 7:29 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>

Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Re: Chlorpyrifos Meeting on Friday

I don't have anything on my calendar. Wendy has ask to talk to me about it and I've been involved with the Administrator all the time. I'm expecting to meet with Wendy tomorrow.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Mar 2, 2017, at 7:26 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

The meeting wasn't set up by me, it must have been Robin on my behalf after I suggested that this was a hot topic that required attention.

Ryan and I need a briefing with the appropriate parties as soon as is possible.

Thanks,

Samantha

Sent from my iPhone

On Mar 2, 2017, at 6:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Samantha- I wanted to reach out to you and discuss a meeting request the one of OGC's attorney's received earlier today for a meeting on chlorpyrifos tomorrow. While we are happy to meet with you and others on that subject, there were a couple points of concern I need to raise. I realize that you may not have actually set up the invitation (a ton of meetings get set up under my name), but as the senior person in OP I felt it was appropriate to write to you.

Ex. 5 - Deliberative Process, Attorney-Client Privilege

Ex. 5 - Deliberative Process, Attorney-Client Privilege

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Dravis, Samantha
Sent: Fri 3/3/2017 1:30:02 AM
Subject: Re: Chlorpyrifos Meeting on Friday

That sounds like a great plan to me, Kevin. Apologies for the confusion.

Sent from my iPhone

On Mar 2, 2017, at 8:07 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Sounds like if we simply combine the two meetings we will have Ryan and Samantha, as well as OCSPP, OP, and OGC, which would be great. I am happy to email Sharnett and Robin tonight to ask them to work together to do that if that works for you. We definitely agree you both should be briefed as soon as possible, so this would be a great result if you are ok with it.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Jackson, Ryan
Sent: Thursday, March 02, 2017 7:29 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Re: Chlorpyrifos Meeting on Friday

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Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

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Thanks,

Samantha

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Ex. 5 - Deliberative Process, Attorney-Client Privilege

Ex. 5 - Deliberative Process, Attorney-Client Privilege

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Dravis, Samantha
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Canceled: Chlorpyrifos - Invitees Only
Start Date/Time: Fri 3/3/2017 3:00:00 PM
End Date/Time: Fri 3/3/2017 3:30:00 PM

Contact Robin with questions 564-6587.

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Dravis, Samantha
Sent: Fri 3/3/2017 12:26:39 AM
Subject: Re: Chlorpyrifos Meeting on Friday

The meeting wasn't set up by me, it must have been Robin on my behalf after I suggested that this was a hot topic that required attention.

Ryan and I need a briefing with the appropriate parties as soon as is possible.

Thanks,
Samantha

Sent from my iPhone

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Ex. 5 - Deliberative Process, Attorney-Client Privilege

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

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